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No. 47/ NEW DELHI, NOVEMBER 13—NOVEMBER 19, 2005, SATURDAY/KARTIKA 22—KARTIKA 28, 1927

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)
नई दिल्ली, 8 नवम्बर, 2005

का०आ०. 4257.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की दिनांक 21 जून, 2005 की अधिसूचना सं. एच.डी. 115 पी.सी.आर. 2005 द्वारा प्राप्त सहमति से, मैसर्स लॉजिक मार्किटिंग एण्ड सर्वे, बंगलूर के श्री अरूल राज और अन्य के विरुद्ध मामला सं. आर.सी. 3(ई)/2005/ई.ओ.डब्ल्यू-1/दिल्ली में भारतीय दण्ड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 420 के साथ पठित धारा 120-ख तथा भारतीय तार अधिनियम, 1885 की धारा 21 और 25 के साथ पठित धारा 20 तथा 21क और भारतीय तार अधिनियम, 1933 की धारा 3 के साथ पठित धारा 6 के तहत दण्डनीय अपराधों, उसी संव्यवहार के अनुक्रम में किए गए अथवा उपर्युक्त विषय के संबंध में उसी तथ्य से उद्भूत उक्त अपराध/अपराधों से सम्बन्धित अथवा उनके सिलसिले में अन्वेषण करने हेतु दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[संख्या 228/39/2005- ए.वी.डी.-II]

चन्द्र प्रकाश, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 8th November, 2005

S.O. 4257.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of State Government of Karnataka vide Notification No. HD 115 PCR 2005 dated 21-6-2005 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for the investigation of case RC.3 (E)/2005/EOW-1/Delhi for offences punishable under Section 120-B read with 420 of the Indian Penal Code, 1860 (Act No. 45 of 1860) and Sections 20, 20A read with 21 and 25 of the Indian Telegraph Act, 1885 and Section 6 read with 3 of the Indian Wireless Telegraph Act, 1933 against Shri Arul Raj of M/s. Logic Marketing and Survey, Bangalore and other persons in relation to or in connection with the said offence/offences committed in course of the same transaction or arising out of the same fact in relation to the aforesaid matter.

[No. 228/39/2005-AVD.II]

CHANDRA PRAKASH, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 12 अगस्त, 2005

(आयकर)

का०आ० 4258.—सर्व साधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्रीय सरकार द्वारा आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (1) के खंड (iii) के प्रयोजनार्थ 'विश्वविद्यालय कालेज अथवा अन्य संस्था' की श्रेणी के अन्तर्गत दिनांक 1-4-2001 से दिनांक 31-3-2004 तक की अवधि के लिए ग्रामीण एवं औद्योगिक विकास में अनुसंधान हेतु केन्द्र (सी आर आर आई डी), सेक्टर 19-ए, मध्य मार्ग, चण्डीगढ़-160019 जो अंशतः अनुसंधान कार्य-कलापों में कार्यरत है, (और न कि अनुसंधान के लिए एक मात्र मौजूद 'वैज्ञानिक अनुसंधान संघ' के रूप में है), को निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अनुमोदित संगठन अपने अनुसंधान कार्य-कलापों के लिए अलग खाते रखेगा;
- (ii) वित्तीय वर्षों के प्रत्येक वर्ष के लिए जिसके लिए यह अनुमोदन प्रदान किया जा रहा है, अनुमोदित संगठन अनुसंधान कार्य-कलापों के संबंध में लेखा परीक्षित आय एवं व्यय खाते की एक प्रति इसके क्षेत्राधिकार वाले आयकर आयुक्त अथवा आयकर निदेशक (छूट) को आयकर विवरणी दाखिल करने की नियत तारीख को अथवा उससे पहले अथवा इस अधिसूचना की तारीख से 90 दिनों के अन्दर, जो भी बाद में समाप्त हो, प्रस्तुत करेगा, जिसके लिए इसे आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (1) के अन्तर्गत अनुमोदन प्रदान किया गया है;
- (iii) यह संगठन उपर्युक्त पैरा (ii) में संदर्भित आय एवं व्यय खाते के साथ लेखा परीक्षक से प्राप्त एक प्रमाण पत्र भी संलग्न करेगा :—
- (क) जिसमें संगठन द्वारा सामाजिक विज्ञान/सांख्यिकीय वैज्ञानिक अनुसंधान के लिए प्राप्त की गई उस राशि का उल्लेख किया गया हो, जिसके लिए दानकर्ता धारा 35 की उप-धारा (1) खंड (iii) के अन्तर्गत कटौती का दावा करने के लिए पात्र हैं।
- (ख) जिसमें यह प्रमाणित किया गया हो कि किया गया व्यय सामाजिक विज्ञान/सांख्यिकीय अनुसंधान के लिए ही था।

[अधिसूचना सं. 190/2005/फ. सं. 203/27/2005-आयकर नि.-II]

निधि सिंह, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 12th August, 2005

(INCOME TAX)

S.O. 4258.—It is hereby notified for general information that the organization Centre for Research in Rural & Industrial Development (CRRID), Sector-19-A, Madhya Marg, Chandigarh-160019 has been approved by the Central Government for the purposes of clause (ii) of Sub-section (1) of Section 35 of the Income Tax Act, 1961, read with rule 6 of the Income Tax Rules, 1962 for the Period from 1-4-2001 to 31-3-2004 under the category 'university, college or other institution,' partly engaged in research activities (and not as a 'scientific research association' existing solely for research) subject to the following conditions :—

- (i) The approved organization shall maintain separate accounts for its research activities.
- (ii) For each of the financial years for which the approval is being given, the approved organization shall submit a copy of its audited Income and Expenditure account in respect of the research activities for which it has been approved under Sub-section (1) of Section 35 of Income Tax Act, 1961 to the Commissioner of Income-tax or Director of Income tax (Exemptions) having jurisdiction, on or before the due date of filing of return of income or within 90 days from the date of this notification, whichever expires later,
- (iii) The approved organization shall also enclose with the Income and Expenditure account referred to in paragraph (ii) above, a certificate from the auditor :—
 - (a) specifying the amount received by the organization for social science /statistical research in respect of which the donors are eligible to claim deduction under clause (iii) of Sub-section (1) of Section 35.
 - (b) certifying that the expenditure incurred was for research in social science /statistical research.

[Notification No. 190/2005/F.No. 203/27/2005-ITA-II]

NIDHI SINGH, Under Secy.

नई दिल्ली, 28 अक्टूबर, 2005

(आयकर)

का०आ० 4259.—सर्व साधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्रीय सरकार द्वारा आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (1) के खंड (ii) के प्रयोजनार्थ

‘वैज्ञानिक अनुसंधान संघ’ (मात्र अनुसंधान के लिए मौजूद) की श्रेणी के अन्तर्गत दिनांक 1-4-2003 से 31-3-2006 तक की अवधि के लिए के. जे. रिसर्च फाउंडेशन, 152 पूनामल्ली हाई रोड, चेन्नई-600084 को निम्नलिखित शर्तों के अधीन अनुमोदित करती हैं :—

- (i) अनुमोदित संगठन अपने अनुसंधान कार्य-कलापों के लिए अलग खाते रखेगा;
- (ii) वित्तीय वर्षों के प्रत्येक वर्ष के लिए जिसके लिए यह अनुमोदन प्रदान किया जा रहा है, अनुमोदित संगठन अनुसंधान कार्य-कलापों के संबंध में लेखा परीक्षित आय एवं व्यय खाते की एक प्रति इसके क्षेत्राधिकार वाले आयकर आयुक्त/आयकर निदेशक (छूट) को आयकर विवरणी दाखिल करने की नियत तारीख को अथवा उससे पहले अथवा इस अधिसूचना की तारीख से 90 दिनों के अन्दर, जो भी बाद में समाप्त हो, प्रस्तुत करेगा, जिसके लिए इसे आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (1) के अन्तर्गत अनुमोदन प्रदान किया गया है।
- (iii) अनुमोदित संगठन उपर्युक्त पैरा (ii) में उल्लिखित आय तथा व्यय खाते के साथ लेखा परीक्षक से प्राप्त एक प्रमाणपत्र भी संलग्न करेगा :—
 - (क) जिसमें संगठन द्वारा वैज्ञानिक अनुसंधान के लिए प्राप्त की गई उस राशि का उल्लेख किया गया हो, जिसके लिए दानकर्ता धारा 35 की उप-धारा (1) के खंड (ii) के अन्तर्गत कटौती का दावा करने के लिए पात्र हैं।
 - (ख) जिसमें यह प्रमाणित किया गया हो कि, किया गया व्यय वैज्ञानिक अनुसंधान सामाजिक विज्ञान/सांख्यिकीय अनुसंधान के लिए ही था।

[अधिसूचना सं. 215/2005/फ. सं. 203/39/2005 आ.क.नि.-II]

निधि सिंह, अवर सचिव

New Delhi, the 28th October, 2005,

(INCOME TAX)

S.O. 4259.—It is hereby notified for general information that the organization **K.J. Research Foundation, 152, Poonamallee High Road, Chennai-600 084** has been approved by the Central Government for the purpose of clause (ii) of Sub-section (1) of Section 35 of the Income Tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 for the Period from 1-4-2003 to 31-3-2006 under the category ‘scientific research association’ (existing solely for research) subject to the following conditions :—

- (i) The approved organization shall maintain separate accounts for its research activities.
- (ii) For each of the financial years for which this approval is being given, the approved organization shall submit a copy of its audited Income & Expenditure account in respect of the research activities for which it has been approved under Sub-section (1) of Section 35 of I.T. Act, 1961 to the Commissioner of Income Tax/Director of Income

Tax (Exemptions) having jurisdiction, on or before the due date of filing of return of income or within 90 days from the date of this notification, whichever expires later.

- (iii) The approved organization shall also enclose with the Income & Expenditure account referred to in paragraph (ii) above, a certificate from the auditor :—
 - (a) specifying the amount received by the organization for scientific research/statistical research in respect of which the donors are eligible to claim deduction under clause (ii) of Sub-section (1) of Section 35.
 - (b) certifying that the expenditure incurred was for research in social science /statistical research.

[Notification No. 215/2005/F. No. 203/39/2005-ITA-II]

NIDHI SINGH, Under Secy.

नई दिल्ली, 28 अक्टूबर, 2005

(आयकर)

का. आ. 4260.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उप-खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, एतद्वारा “गुरुवायूर देवस्थान, गुरुवायूर” को कर निर्धारण वर्ष 1999-2000 से 2001-02 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए, उक्त उप-खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित 2000 का अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रसंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रवधानों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राधि कारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परित सम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 216/2005/फ. सं. 197/41/2005 आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 28th October, 2005,

(INCOME TAX)

S.O. 4260.— In exercise of powers conferred by the sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “**Guruvayur Devaswom, Guruvayur**” for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-02 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or mode a specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of account are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to an organization with similar objectives.

[Notification No. 216/2005/F. No.197/41/2005-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 28 अक्टूबर, 2005

(आयकर)

का. आ. 4261:— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उप-खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, एतद्वारा “गुरुवायूर देवस्वाम, गुरुवायूर” को कर निर्धारण वर्ष 2002-03 से 2004-05 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए, उक्त उप-खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्—

- (1) कर निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट

किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आय कर अधिनियम, 1961 के प्रवधानों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राप्ति, कारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 217/2005/फ. सं. 197/41/2005 आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 28th October, 2005

(INCOME TAX)

S.O. 4261.— In exercise of powers conferred by the sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “**Guruvayur Devaswom, Guruvayur**” for the purpose of the said sub-clause for the assessment years 2002-03 to 2004-05 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of account are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to an organization with similar objectives.

[Notification No. 217/2005/F. No/197/41/2005-ITA-I]

DEEPAK GARG, Under Secy.

आदेश

नई दिल्ली, 28 अक्टूबर, 2005

स्टाम्प

का०आ० 4262.— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा आवास और शहरी विकास निगम लिमिटेड, नई दिल्ली को मात्र एक करोड़ छियालीस लाख अस्सी हजार रुपए का समेकित स्टाम्प शुल्क अदा करने की अनुमति देती है, जो उक्त निगम द्वारा क्रमशः 16 मार्च, 2005 और 29 मार्च, 2005 को जारी किए गए मात्र सात सौ अड़तीस करोड़ रुपए के समग्र मूल्य के 1 से 2180 तक की विशिष्ट संख्या वाले हुडको बंधपत्र एच बी श्रृंखला- कराधेय 2005 स्ट्रक्चर्ड डील-I और 1 से 5200 तक की विशिष्ट संख्या वाले हुडको बंधपत्र एच बी श्रृंखला-कराधेय 2005 स्ट्रक्चर्ड डील-II के रूप में वर्णित बंधपत्र पर स्टाम्प शुल्क के कारण प्रभाय है।

[सं. 33/2005-स्टाम्प/फा. सं. 33/34/2005-बि. क.]

आर. जी. छाबड़ा, अवर सचिव

ORDER

New Delhi, the 28th October, 2005

STAMPS

S.O. 4262.—In exercise of the powers conferred by clause (b) of Sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Housing and Urban Development Corporation Limited, New Delhi to pay consolidated stamp duty of rupees one crore forty six lakh eighty thousand only chargeable on account of the stamp duty on bonds described as HUDCO Bonds HB Series-Taxable 2005 Structured Deal- I bearing distinctive numbers from 1 to 2180 and HUDCO Bonds HB Series-Taxable 2005 Structured Deal-II bearing distinctive numbers from 1 to 5200 aggregating to rupees seven hundred thirty eight crore only issued by the said Corporation on 16th March, 2005 and 29th March, 2005 respectively.

[No. 33/2005-STAMP/F.No.33/34/2005-ST]

R. G. CHHABRA, Under Secy.

आदेश

नई दिल्ली, 28 अक्टूबर, 2005

स्टाम्प

का०आ० 4263.— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा ग्रामीण विद्युतीकरण निगम लिमिटेड, नई दिल्ली को मात्र बानवे लाख पचास हजार रुपए का

समेकित स्टाम्प शुल्क अदा करने की अनुमति देती है, जो उक्त निगम द्वारा जारी किए जाने वाले मात्र दो सौ पचास करोड़ के समग्र मूल्य के प्रत्येक दस-दस लाख रुपये 170529 से 173028 तक की विशिष्ट संख्या वाले ऋणपत्रों के स्वरूप के 7.22% आर ई सी असुरक्षित कराधेय गैर-प्राथमिकता प्राप्त क्षेत्र बंधपत्र- 2014 (74-वीं श्रृंखला) पर स्टाम्प शुल्क के कारण प्रभाय है।

[सं. 32/2005-स्टाम्प/फा. सं. 33/40/2005-बि. क.]

आर. जी. छाबड़ा, अवर सचिव

ORDER

New Delhi, the 28th October, 2005

STAMPS

S.O. 4263.—In exercise of the powers conferred by clause (b) of Sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Rural Electrification Corporation Limited, New Delhi to pay consolidated stamp duty of rupees ninety two lakh fifty thousand only chargeable on account of the stamp duty on 7.22% REC Unsecured Taxable Non Priority Sector Bonds- 2014 (74th Series) in the nature of Debentures bearing distinctive numbers from 170529 to 173028 of rupees ten lakh each aggregating to rupees two hundred fifty crore only, to be issued by the said Corporation.

[No.32/2005-STAMP F.No.33/40/2005-ST]

R. G. CHHABRA, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 9 नवम्बर, 2005

का०आ० 4264.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1980 के खंड 3 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उप-धारा 3(ज) एवं (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा मेजर सुश्री कृष्णा मोहिनी, निवासी हामेनिटी हाऊस, सोलन, थोड़ा मैदान के समीप, सोलन, हिमाचल प्रदेश को अधिसूचना जारी होने की तारीख से, तीन वर्ष की अवधि के लिए अथवा उनके स्थान पर किसी अन्य व्यक्ति की नामित किए जाने तक, इनमें से जो भी पहले हो, पंजाब एंड सिंध बैंक के बोर्ड में अंशकालिक, गैर-सरकारी निदेशक के रूप में नामित करती है।

[फा. सं. 9/44/2005-बी.ओ.-1]

जी. बी. सिंह अवर सचिव

Department of Economic Affairs

(Banking Division)

New Delhi, the 9th November, 2005

S.O. 4264—In exercise of the powers conferred by Sub-section 3(h) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 read with Sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government hereby nominates Maj. Ms. Krishna Mohini, resident of Humanity House, Solan, near Thoda Ground, Solan, H.P., as part-time non-official Director on the Board of Punjab & Sind Bank for a period of three years from the date of notification or until her successor is nominated, whichever is earlier.

[F. No. 9/44/2005-BO-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 9 नवम्बर, 2005

का०आ० 4265—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10 की उप-धारा (1) के खंड (ग) के उपखंड (i) के उपबंध, (i) यूनियन बैंक ऑफ इंडिया—जहां तक यूनियन बैंक ऑफ इंडिया के अध्यक्ष एवं प्रबंध निदेशक श्री के. चेरियन वर्गीज (ii) केनरा बैंक—जहां तक केनरा बैंक के अध्यक्ष एवं प्रबंध निदेशक श्री एम.बी.एन. राव, (iii) बैंक ऑफ इंडिया—जहां तक बैंक ऑफ इंडिया के अध्यक्ष एवं प्रबंध निदेशक श्री एम. बालचन्द्रन, (iv) पंजाब नेशनल बैंक—जहां तक पंजाब नेशनल बैंक के अध्यक्ष एवं प्रबंध निदेशक श्री एस.सी. गुप्ता, (v) यूको बैंक—जहां तक यूको बैंक के अध्यक्ष एवं प्रबंध निदेशक श्री पी. श्रीधर तथा (vi) देना बैंक—जहां तक देना बैंक के अध्यक्ष एवं प्रबंध निदेशक श्री एम.वी. नायर को कृषि वित्त निगम लिमिटेड (ए.एफ.सी.) के निदेशक मंडल में निदेशकों के रूप में नामित करने का संबंध है, पर लागू नहीं होंगे।

[फा. सं. 9/39/2005-बी.ओ.-I]

जी. बी. सिंह, अवर सचिव

New Delhi, the 9th November, 2005

S.O. 4265—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Government of India on the recommendation of the Reserve Bank of India, hereby declare that the provisions of ~~Sub-clause (i) of clause (c) of Sub-section (1) of Section 10 of the said Act~~ shall not apply to (i) Union Bank of India in so far as it relates to the nomination of Shri K. Cherian Varghese, Chairman & Managing Director, Union Bank of India (ii) Canara Bank in so far as it relates to the nomination of Shri M.B.N. Rao, Chairman & Managing

Director, Canara Bank (iii) Bank of India in so far as it relates to the nomination of Shri M. Balachandran, Chairman & Managing Director, Bank of India (iv) Punjab National Bank in so far as it relates to the nomination of Shri S. C. Gupta, Chairman & Managing Director, Punjab National Bank (v) UCO Bank in so far as it relates to the nomination of Shri V. Sridhar, Chairman & Managing Director UCO Bank and (vi) Dena Bank in so far as it relates to the nomination of Shri M. V. Nair, Chairman & Managing Director, Dena Bank, as Directors on the Board of Agricultural Finance Corporation Limited (AFC).

[F. No. 9/39/2005-BO-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 10 नवम्बर, 2005

का०आ० 4266—भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 8 की उपधारा (4) के साथ पठित उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, एतद्वारा, श्रीमती ऊषा थोरट, कार्यापालक निदेशक, भारतीय रिजर्व बैंक को उनके पदभार संभालने की तारीख से पांच वर्ष की अवधि के लिए अथवा उनके 62 वर्ष की आयु प्राप्त करने पर, इनमें से जो भी पहले हो, भारतीय रिजर्व बैंक के उप-गवर्नर के रूप में नियुक्त करती है।

[फा. सं. 7/2/2003-बी.ओ.-I]

अमिताभ वर्मा, संयुक्त सचिव

New Delhi, the 10th November, 2005

S.O. 4266—In exercise of the powers conferred by Clause (a) of Sub-section (1) read with Sub-section (4) of Section 8 of the Reserve Bank of India Act, 1934, the Central Government, hereby appoints Smt. Usha Thorat, Executive Director, Reserve Bank of India as Deputy Governor, Reserve Bank of India for a period of five years from the date of her taking charge of the post or till she attains the age of 62 years, whichever is earlier.

[F. No. 7/2/2003-BO-I]

AMITABH VERMA, Jt. Secy.

नई दिल्ली, 10 नवम्बर, 2005

का०आ० 4267—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध स्कीम, 1970 के खंड 3 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा 3(ज) एवं (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्रीमती सत्या बहीन, निवासी, 89, सेक्टर-40, वैशाली, गाजियाबाद (उत्तर प्रदेश) और श्री हरीश चण्डोक, निवासी, 20-21, मनीषपुरी, साकेत विस्तार, इंदौर को अधिसूचना जारी होने की तारीख से, तीन वर्ष की अवधि के लिए अथवा उनके स्थान पर किसी

अन्य व्यक्ति को नामित किए जाने तक, इनमें से जो भी पहले हो, सेंट्रल बैंक ऑफ इंडिया के बोर्ड में अंशकालिक, गैर-सरकारी निदेशक के रूप में नामित करती है।

[फा. सं. 9/33/2005-बी.ओ.-I]

जी. बी. सिंह, अवर सचिव

New Delhi, the 10th November, 2005

S.O. 4267.—In exercise of the powers conferred by Sub-section 3(h) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with Sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby nominates Smt. Satya Bahin, resident of 89, Sector-4, Vaishali, Ghaziabad (U.P.) and Shri Harish Chandhok, resident of 20-21, Manishpuri, Saket Ext., Indore, as part-time non-official Directors on the Board of Central Bank of India for a period of three years from the date of notification or until their successors are nominated, whichever is earlier.

[F.No. 9/33/2005-BO-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 11 नवम्बर, 2005

का.आ. 4268. —राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (I), खंड 5, खंड 6, खंड 7 और खंड 8 के उप खंड (I) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् श्री एस. सी. बसु को 25 सितम्बर, 2005 से छह महीने की अवधि के लिए या अगला आदेश होने तक, इनमें से जो भी पहले हो, बैंक ऑफ महाराष्ट्र के अध्यक्ष एवं प्रबंध निदेशक के रूप में पुनः नियुक्त करती है।

[फा. सं. 20/5/99-बी.ओ.-I]

जी. बी. सिंह, अवर सचिव

New Delhi, the 11th November, 2005

S.O. 4268.—In exercise of the powers conferred by clause (a) of Sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with Sub-clause (1) of clause 3, clause 5, clause 6, clause 7 and sub-clause (1) of clause 8 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby re-appoints Shri S. C. Basu as Chairman and Managing

Director, Bank of Maharashtra for a period of six months with effect from 25th September, 2005 or until further orders, whichever is earlier.

[F.No. 20/5/99-BO-I]

G. B. SINGH, Under Secy.

सांख्यिकी और कार्यक्रम कार्यान्वयन मंत्रालय

नई दिल्ली, 30 सितम्बर, 2005

का.आ. 4269.—भारतीय सांख्यिकीय संस्थान अधिनियम (सं. 57), 1959 की धारा 8 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 अक्टूबर, 2005 से 31 मार्च, 2007 की अवधि के लिए निम्नलिखित व्यक्तियों की एक समिति गठित करती है :—

- | | |
|---|------------|
| (i) प्रो. आशीष प्रसाद मिश्रा, एफ आर एस
पूर्वमहानिदेशक, सीएसआईआर
30, कैलाश कुंज, ग्रेटर कैलाश-1,
नई दिल्ली-110048 | अध्यक्ष |
| (ii) प्रो. प्रभात पटनायक,
अर्थशास्त्री,
जवाहर लाल नेहरू विश्वविद्यालय,
नई दिल्ली | सदस्य |
| (iii) डॉ. बी.डी. आचार्य,
वैज्ञानिक सलाहकार,
विज्ञान एवं प्रौद्योगिकी विभाग,
भारत सरकार, नई दिल्ली | सदस्य |
| (iv) प्रो. सुभाष चंद्र दत्ता राय,
प्रोफेसर, इलेक्ट्रिकल इंजीनियरिंग विभाग,
आई आई टी, नई दिल्ली | सदस्य |
| (v) प्रो. अनिल गुप्ता,
प्रोफेसर, जैव-विज्ञान प्रभाग,
आई आई एम, अहमदाबाद | सदस्य |
| (vi) अवर सचिव और वित्तीय सलाहकार,
सांख्यिकी और कार्यक्रम कार्यान्वयन मंत्रालय,
नई दिल्ली | सदस्य |
| (vii) प्रो. संकर कुमार पाल,
निदेशक,
भारतीय सांख्यिकीय संस्थान,
कोलकाता | सदस्य |
| (viii) निदेशक/उपसचिव (आईएफडी),
सांख्यिकी और कार्यक्रम कार्यान्वयन मंत्रालय,
नई दिल्ली | सदस्य सचिव |

2. उक्त समिति को निम्नलिखित कार्य सौंपे गए हैं :

- (i) कार्य/स्कीमों/परियोजनाओं (योजनागत तथा गैर-योजना दोनों) के सम्मत कार्यक्रम की समीक्षा करना तथा संशोधित अनुमान और बजट अनुमान में प्रदान की जाने वाली राशि के संबंध में सिफारिशें करना तथा भारतीय सांख्यिकीय संस्थान को सहायता अनुदान अदा करने के लिए वित्तीय अनुमानों के संबंध में भी सिफारिशें करना।
- (ii) (क) वित्तीय वर्ष के दौरान भारतीय सांख्यिकीय संस्थान, कोलकाता द्वारा किए जाने वाले सम्मत कार्य (योजना तथा गैर-योजना दोनों) के कार्यक्रम दर्शाने वाले विवरण तथा इस प्रकार के कार्य के लिए सामान्य वित्तीय अनुमान तैयार करना और उसे केन्द्र सरकार के समक्ष प्रस्तुत करना, जिसके लिए केन्द्र सरकार निधि की व्यवस्था करती है।
(ख) कार्य के कार्यक्रम की विस्तृत रूपरेखा निश्चित करना।
- (3) जब भी समिति की बैठक होती है समिति अपना कार्यवृत्त सरकार को प्रस्तुत करेगी। सांख्यिकी और कार्यक्रम कार्यान्वयन मंत्रालय समिति को सचिवालय सहायता देगा, जिसका मुख्यालय नई दिल्ली में होगा।

[फा. सं. एम-11011/1/2005-बी एंड एफ]

के. के. रॉय, अवर सचिव

MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION

New Delhi, the 30th September, 2005

S.O. 4269.—In exercise of the powers conferred by Sub-section (1) of Section 8 of the Indian Statistical Institute Act (No. 57) of 1959, the Central Government hereby constitute a Committee for the period 1st October, 2005 to 31st March, 2007 consisting of:—

- | | |
|--|----------|
| (i) Prof. Ashes Prasad Mitra, FRS
Former Director-General, CSIR
30, Kailash Kunj, Greater Kailash-I,
New Delhi-110048 | Chairman |
| (ii) Prof. Prabhat Patnaik
Professor of Economics,
Jawaharlal Nehru University,
New Delhi. | Member |
| (iii) Dr. B.D. Acharya
Scientific Advisor,
Department of Science and
Technology, Government of India,
New Delhi. | Member |

- | | |
|---|------------------|
| (iv) Prof. Subash Chandra Dutta Roy
Professor, Department of
Electrical Engg., IIT,
New Delhi. | Member |
| (v) Prof. Anil Gupta
Professor, Bio-Sciences Division,
IIM, Ahmedabad. | Member |
| (vi) Additional Secretary and Financial
Adviser, Ministry of Statistics
and Programme Implementation,
New Delhi. | Member |
| (vii) Prof. Sankar Kumar Pal
Director,
Indian Statistical Institute,
Kolkata. | Member |
| (viii) Director/Deputy Secretary (IFD) Ministry of Statistics
and Programme Implementation
New Delhi. | Member Secretary |

2. Following duties are assigned to the said Committee:

- (i) Review of the agreed programme of work/schemes/projects (both Plan and Non-Plan) and make recommendations regarding the amount to be provided in the RE and BE and also make recommendations regarding the financial estimates for paying grant-in-aid to the ISI.
- (ii) (a) Preparation and submission to the Central Government of statement showing programmes of work (both Plan & Non-Plan) agreed to be undertaken by the Indian Statistical Institute, Kolkata, during financial year for which the Central Government may provide funds, as well as general financial estimates of such work.
- (b) The settlement on broad lines of the programme of work.

3. The Committee shall submit its minutes to the Government as and when the Committee meets. The Ministry of Statistics and Programme Implementation shall render secretarial assistance to the Committee, the headquarters of which will be at New Delhi.

[F. No. 11011/1/2005-B & F]

K. K. ROY, Under Secy.

विदेश मंत्रालय

(सी.पी.बी. प्रभाग)

नई दिल्ली, 26 अक्टूबर, 2005

का.आ. 4270:—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का राजदूतावास, येरेवान में श्री हरविंदर सिंह, सहायक को 26-10-2005 से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

[सं. टी. 4330/01/2005]

एम. सी. नैथानी, संयुक्त सचिव (सी.पी.बी.-II)

MINISTRY OF EXTERNAL AFFAIRS

(C.P.V. Division)

New Delhi, the 26th October, 2005

S.O. 4270.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri Harvinder Singh, Assistant in the Embassy of India, Yerevan to perform the duties of Assistant Consular Officer with effect from 26-10-2005.

[No. T. 4330/01/2005]

M. C. NAITHANI, Jt. Secy. (C. P. V. -II)

नई दिल्ली, 26 अक्टूबर, 2005

का.आ. 4271:—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41) की धारा 2 के अंक (क) के अनुसरण में एतद्वारा भारत का राजदूतावास, मुस्कट में श्री के. एल. ककर एवं श्री एच.एस. रावत, सहायकों को 18-10-2005 से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

[सं. टी.-4330/01/2005]

एम. सी. नैथानी, संयुक्त सचिव (सी.पी.बी.-II)

New Delhi, the 26th October, 2005

S.O. 4271—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorise following officers in the Embassy of India, Muscat to perform the duties of Assistant Consular Officer with effect from 26-10-2005.

1. Shri K.L. Kakar, Assistant
2. Shri H.S. Rawat, Assistant

[No. T. 4330/01/2005]

M. C. NAITHANI, Jt. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य और परिवार कल्याण विभाग)

नई दिल्ली, 19 अक्टूबर, 2005

का. आ. 4272.—केन्द्र सरकार ने भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के

खण्ड (क) के अनुसरण में तथा त्रिपुरा सरकार के परामर्श से डा. बिनार्य भौमिक, एम. डी., डी. डी. (थाई एवं जापान) को इस अधिसूचना के जारी होने की तारीख से पांच वर्ष की अवधि के लिए भारतीय आयुर्विज्ञान परिषद के एक सदस्य के रूप में मनोनीत किया गया है।

अतः, अब, उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबंध के अनुसरण में केन्द्र सरकार एतद्वारा भारत के तत्कालीन स्वास्थ्य मंत्रालय की दिनांक 9 जनवरी, 1960 की अधिसूचना संख्या का. आ. 138 में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में "धारा 3 की उपधारा (1) के खण्ड (क) के अधीन मनोनीत" शीर्षक के अंतर्गत क्रम संख्या 22 और उससे सम्बन्धित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियाँ प्रतिस्थापित की जाएंगी, अर्थात्:—

"22. डॉ. बिनार्य भौमिक, त्रिपुरा सरकार"
एम डी.डी.डी. (थाई एवं जापान)
द्वारा श्री बिवेकानंद भौमिक,
जेल आश्रम रोड, धालेश्वर,
अगरतला-799007.

[सं. बी-11013/1/2005-एम.ई. (नीति-I)]

के. वी. एस. राव, अवर सचिव

MINISTRY OF HEALTH & FAMILY WELFARE

(Department of Health & Family Welfare)

New Delhi, the 19th October, 2005

S.O. 4272.—Whereas the Central Government, in pursuance of clause (a) of sub-section (1) of Section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and in consultation with the Government of Tripura have nominated Dr. Binoy Bhowmik, MD, DD (THAI & Japan), to be a member of the Medical Council of India for a period of five years with effect from the date of issue of this notification.

Now, therefore, in pursuance of the provision of sub-section (1) of Section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the then Ministry of Health number S.O. 138, dated the 9th January, 1960, namely;

In the said notification, under the heading, 'Nominated under clause (a) of sub-section (1) of Section 3', for serial number 22 and the entries thereto, the following serial number and the entries shall be substituted, namely:—

"22 Dr. Binoy Bhowmik. Government of Tripura"
MD, DD (THAI & Japan)
C/o Mr. Bivekananda Bhowmik,
Jail Ashram Rd., Dhaleswar,
Agartala-799007.

[No. V-11013/1/2005-ME (Policy-I)]

K. V. S. RAO, Under Secy.

विद्युत मंत्रालय

नई दिल्ली, 7 नवम्बर, 2005

का.आ. 4273.— केंद्रीय सरकार, एजभापा (संच के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में पावरग्रिड कारपोरेशन ऑफ इंडिया लि., गुडगांव, नेशनल हाइड्रोइलेक्ट्रिक पावर कारपोरेशन लि., फरीदाबाद, रूरल इलेक्ट्रीफिकेशन कारपोरेशन लि०, नई दिल्ली, भाखड़ा ब्यास प्रबंध बोर्ड, चंडीगढ़ तथा टिहरी हाइड्रो डेवलपमेंट कारपोरेशन लि., ऋषिकेश के प्रशासनिक नियंत्रणाधीन सार्वजनिक क्षेत्र उपक्रमों के निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत कर्मचारीवृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है :

1. पावर ग्रिड कारपोरेशन ऑफ इंडिया लि०,
400 के. वी. उप केंद्र,
नयाबाजार, राउरकेला - 769010
2. पावरग्रिड कारपोरेशन ऑफ इंडिया लि०,
स्थल कार्यालय,
800/400/220 के. वी. उप केंद्र
ऊर्जा नगर, कोट कपूरा रोड,
मोगा (पंजाब) - 142001
3. चनेरा पावर स्टेशन, चरण-II
नेशनल हाइड्रोइलेक्ट्रिक पावर कारपोरेशन लि.,
करियां,
जिला चंबा (हिमाचल प्रदेश),
पिन - 176310
4. पार्वती जल विद्युत परियोजना चरण-III
नेशनल हाइड्रोइलेक्ट्रिक पावर कारपोरेशन लि.,
पो. आ. भूतर, जिला कुल्लू (हिमाचल प्रदेश),
पिन - 175125
5. धौलीगंगा जल विद्युत परियोजना,
नेशनल हाइड्रोइलेक्ट्रिक पावर कारपोरेशन लि.,
पो.आ. धारचूला,
जिला - पिथौरागढ़ (उत्तरांचल),
पिन - 262545
6. फोटली भेल जल विद्युत परियोजना,
नेशनल हाइड्रोइलेक्ट्रिक पावर कारपोरेशन लि.,
पो.आ. देव प्रयाग, जिला टिहरी गढ़वाल (उत्तरांचल)
पिन - 249301
7. धौलीगंगा जल विद्युत परियोजना,
नेशनल हाइड्रोइलेक्ट्रिक पावर कारपोरेशन लि.,
संपर्क कार्यालय, एन. एच. पी. सी. परिसर,
हनुमानगढ़ी, पो.आ. काठगोदम, हल्द्वानी,
जिला नैनीताल, उत्तरांचल - 263126
8. कार्यालय - कार्यपालक निदेशक (क्षेत्र - IV),
एन. एच. पी. सी. लि.,
74-75, सैक्टर 31 -ए,
चंडीगढ़,
पिन - 160030
9. रूरल इलेक्ट्रीफिकेशन कारपोरेशन लि.,
परियोजना कार्यालय,
"कमलालया" (प्रथम एवं तृतीय तल),
जु. नारंगी तिनियाली,
आर.जी. बरुआ रोड, पिनाकी पथ,
(बाई लेन - 7), पो. ऑ. सिलपुखुड़ी,
गुवाहाटी - 781003
10. अधीक्षण अभियंता,
नंगल यांत्रिक परिमंडल,
बीबीएमबी,
नंगल टाऊनशिप (पंजाब)
11. उप-मुख्य अभियंता,
भाखड़ा बांध परिमंडल,
बीबीएमबी,
नंगल टाऊनशिप (पंजाब)
12. निदेशक/जल विनियम,
बीबीएमबी,
नंगल टाऊनशिप (पंजाब)
13. निदेशक/बांध सुरक्षा
बीबीएमबी,
नंगल टाऊनशिप (पंजाब)
14. टिहरी हाइड्रो डेवलपमेंट कारपोरेशन लि.,
कोटेश्वर हाइड्रो इलेक्ट्रिक प्रोजेक्ट,
कोटेश्वरपुरम, टिहरी गढ़वाल - 249001 (उत्तरांचल)

[सं. 11017/9/2005- हिंदी]

हरीश चन्द्र, संयुक्त सचिव

MINISTRY OF POWER

New Delhi, the 7th November, 2005

S.O. 4273.— In pursuance of Sub Rule (4) of Rule 10 of the Official Language (use for official purposes of the union) Rules, 1976 the Central Government hereby notifies the following offices of Public Sector Undertakings under the administrative control of Powergrid Corporation of India Ltd., Gurgaon, National Hydroelectric Power Corporation Ltd., Faridabad, Rural Electrification Corporation Ltd., New Delhi, Bhakra Beas Management Board, Chandigarh and Tehri Hydroelectric Power Corporation Ltd., Rishikesh, the

staff whereof have acquired 80% working knowledge of Hindi :—

1. Powergrid Corporation of India Ltd.,
400 KV Sub-Station,
Nayabazar, Rourkela-769010.
2. Powergrid Corporation of India Ltd.,
Site Office Moga,
800/400/220 KV Sub-Station,
Urja Nagar, Kotkapura Road,
Moga (Punjab) - 142001.
3. Chamra Power Station State-II,
National Hydroelectric Power Corporation Ltd.,
Karian,
Distt. Chamba (HP)
Pin-176310.
4. Parbati HE Project State-III,
National Hydroelectric Power Corporation Ltd.,
P.O. Bhunter, Distt. Kullu (HP),
Pin-175125.
5. Dhauliganga HE Project,
National Hydroelectric Power Corporation Ltd.,
P.O. Dharchula,
Distt. Pithoragarh (Uttanchal),
Pin-262545.
6. Kotli Bhel HE Project,
National Hydroelectric Power Corporation Ltd.,
P.O. Dev Prayag,
Distt. Tehri Garhwal (Uttanchal),
Pin-249301.
7. Dhauliganga HE Project,
National Hydroelectric Power Corporation Ltd.,
Liasion Office, NHPC Parisar,
Hanuman Gari, P.O. Kathgodam,
Haldwani, Distt. Nainital,
Uttanchal-263126.
8. Office of Executive Director,
(Region-IV),
NHPC Ltd.,
74-75, Sector 31-A,
Chandigarh,
Pin-160030.
9. Rural Electrification Corporation Ltd.,
Project Office,
Kamalaaya (1st & 111rd Floor),
Zoo, Narangi Tinali,
R.G. Baruah Road, Pinaki Path,
(By Lane No. 7), P.O. Silpukhuri,
Guwahati-781003.
10. Superintending Engineer,
Nangal Mechanical Circle,
Bhakra Beas Management Board,
Nangal Township (Punjab).
11. Dy. Chief Engineer,
Bhakra Dam Circle,
Bhakra Beas Management Board,
Nangal Township (Punjab).
12. Director/Water Regulation,
Bhakra Beas Management Board,
Nangal Township (Punjab).
13. Director/Dam Safety,
Bhakra Beas Management Board,
Nangal Township (Punjab).
14. Tehri Hydro Development Corporation Ltd.,
Koteshwar Hydro Electric Project,
Koteshwarpuram, Tehri Garhwal -24001
(Uttanchal).

No. 11017/5/2005-Hindi]

HARISH CHANDRA, Jt. Secy.

200187- विभागाध्यक्ष

कृषि मंत्रालय

(कृषि एवं सहकारी विभाग)

नई दिल्ली, 31 अक्टूबर, 2005

का.आ. 4274:—केंद्रीय सरकार (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में कृषि एवं सहकारी विभाग, कृषि मंत्रालय के नियंत्रणाधीन राष्ट्रीय बागवानी बोर्ड, मुंबई के निम्नलिखित कार्यालयों को, जिसके 80 प्रतिशत कर्मचारी कृषि एवं सहकारी विभाग के कार्यवाही के ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. राष्ट्रीय बागवानी बोर्ड,
सरदार पटेल मार्केट,
जमालपुर गेट,
केलिको मिल्स के सामने,
अहमदाबाद (गुजरात)
2. राष्ट्रीय बागवानी बोर्ड,
हाल सं 2, प्रथम तल,
महात्मा गांधी कॉम्प्लेक्स,
एपीएमसी यार्ड, वसुधंतपुर,
बैंगलोर-560022
3. राष्ट्रीय बागवानी बोर्ड,
द्वारा - क्षेत्रीय ग्रामीण विकास,
संस्थान,
दिल्ली-सहारनपुर रोड,
बडौत, जिला - बागपत
4. राष्ट्रीय बागवानी बोर्ड,
एन- 2/82, लॉटरी प्लॉट,
नयापल्ली, भुवनेश्वर -751015

5. राष्ट्रीय बागवानी बोर्ड,
3309, प्रथम तल, सेक्टर-
32 डी, चंडीगढ़ -160047
6. राष्ट्रीय बागवानी बोर्ड,
179, फेज-2, वसंता विहार,
देहरादून-248001
7. राष्ट्रीय बागवानी बोर्ड,
ट्रेवल लॉज बिल्डिंग,
चुनाव कार्यालय रैफ पीछे,
तिब्बत रोड, गंगतोक-737101
8. राष्ट्रीय बागवानी बोर्ड,
छिम्बर हाउस, चौथा तल,
पो.ऑ. दिसपुर,
गुवाहाटी -781005
9. राष्ट्रीय बागवानी बोर्ड,
202, द्वितीय तल, शांतिनिकेतन
अपार्टमेंट्स, चिराग अली लेन,
एबीआईडीएस,
हैदराबाद-500001
10. राष्ट्रीय बागवानी बोर्ड,
द्वारा—कृषि उत्पादन विपणन समिति,
सब्जी मंडी, लाल झोठी,
टोन्क रोड,
जयपुर-302001
11. राष्ट्रीय बागवानी बोर्ड,
हॉल नं. 307, ए-2,
तीसरा तल,
दक्षिण ब्लॉक, बाहु प्लाजा,
रेल हेड कॉम्प्लेक्स,
जम्मू-180004
12. राष्ट्रीय बागवानी बोर्ड,
मयूख भवन, दूसरा तल,
सॉल्ट लेक, सेक्टर-2,
कोलकाता-91
13. राष्ट्रीय बागवानी बोर्ड,
द्वारा—बागवानी निदेशक,
2, सप्रू मार्ग, उद्यान भवन,
लखनऊ-226001
14. राष्ट्रीय बागवानी बोर्ड,
“ए” विंग, न्यू शॉपिंग कॉम्प्लेक्स,
एपीएमसी, मार्केट यार्ड पंचवटी,
नासिक-422003
15. राष्ट्रीय बागवानी बोर्ड,
19-22, गैराज, कृषि भवन,
नई दिल्ली-110001
16. राष्ट्रीय बागवानी बोर्ड,
वर्मा सेक्टर, 5वां तल,
कमरा सं., 501-502,
बोरिंग कनाल रोड,
पटना-800001
17. राष्ट्रीय बागवानी बोर्ड,
द्वारा—बागवानी निदेशालय,
निकट साखर संकुल,
शिवाजी नगर, पुणे,
(महाराष्ट्र)
18. राष्ट्रीय बागवानी बोर्ड,
बाजार सूचना केन्द्र,
कटेला भवन,
सिविल लाईन्स,
रायपुर-492001
(छत्तीसगढ़)
19. राष्ट्रीय बागवानी बोर्ड,
लक्ष्मी निवास, कृषि भवन,
कन्कई रोड,
रांची-834008
20. राष्ट्रीय बागवानी बोर्ड,
एचपीएमसी, निगम विहार,
शिमला (हि.प्र.)
21. राष्ट्रीय बागवानी बोर्ड,
टीसी 41/1986 मीना भवन,
मानाकांड,
त्रिवेन्द्रम-695009

[सं 3-6/2004- हिन्दी नीति]

सतीश चन्द्र, संयुक्त सचिव

MINISTRY OF AGRICULTURE
(Department of Agriculture and Cooperation)

New Delhi, the 31st October, 2005

S.O. 4274.—In pursuance of Sub rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976 the Central Government hereby notifies the following offices of the National Horticulture Board, Gurgaon under the control of the Department of Agriculture and Cooperation, Ministry of Agriculture. 80% staff

whereof have acquired the working knowledge of Hindi:—

1. National Horticulture Board,
Sardar Patel Market,
Jamalpur Gate,
Opposite Calico Mills,
AHMEDABAD-380022
2. National Horticulture Board,
Hall No. 2, 1st Floor,
M.G. Complex APMC Yard,
Yeshwanthapur,
BANGALORE-560022
3. National Horticulture Board,
C/o Regional Institute of Rural Development,
Delhi-Saharanpur Road,
Baraut,
Disst. BAGHPAT
4. National Horticulture Board,
N-2/82, Lottery Plot,
Nayapalli,
BHUBANESHWAR-751015
5. National Horticulture Board,
3309, 1st Floor,
Sector 32-D,
CHANDIGARH-160047
6. National Horticulture Board,
179, Phase-2, Vasant Vihar,
DEHRADUN-248001
7. National Horticulture Board,
Travel Lodge Building,
Behind Election Office,
Tibet Road,
GANGTOK-737101
8. National Horticulture Board,
Chhibber House,
4th Floor, Dispur P.O.,
GUWAHATI-781005
9. National Horticulture Board,
Market Information Centre,
202, 2nd Floor,
Shantiniketan Apartments,
Chirag Ali Lane, ABIDS,
HYDERABAD-500001
10. National Horticulture Board,
C/o APMC, Subzi Mandi,
Lal Kothi,
Tonk Road,
JAIPUR-302001
11. National Horticulture Board,
Hall No. 307, A-2, 3rd Floor,
South Block, Bahu Plaza,
Rail Head Complex,
JAMMU-180004
12. National Horticulture Board,
Mayukh Bhawan, 2nd Floor,
Salt Lake, Sector-II,
KOLKATA-700091
13. National Horticulture Board,
C/o Director of Horticulture,
Udyan Bhawan, 2, Sapru Marg,
LUCKNOW-226001
14. National Horticulture Board,
"A" Wing, New Shopping Complex,
APMC, Market Yard,
Panchwati,
NASIK-422003
15. National Horticulture Board,
19-22, Garage, Krishi Bhawan,
NEWDELHI-110001
16. National Horticulture Board,
Verna Centre, 5th Floor,
Room No. 501-502,
Boring Canal Road,
PATNA-800001
17. National Horticulture Board,
Plot No. R-7,
Post Box No. 1407,
Opp. NSC Building,
MSAMB Building,
Gultekdi Market Yard,
PUNE-411037
18. National Horticulture Board,
Market Information Centre,
Katela Bhawan,
Civil Lines,
RAIPUR-492001
19. National Horticulture Board,
Laxmi Niwas, Krishi Bhawan,
Kankay Road,
RANCHI-834008
20. National Horticulture Board,
HPMC, Nigam Vihar,
SHIMLA-171002
21. National Horticulture Board,
TC/41/1986, Meena Bhawan,
MANACAUD,
THIRUVANANTHAPURAM-695009

[No. 3-6/2004-Hindi Neeti]
SATISH CHANDER, Jt. Secy.

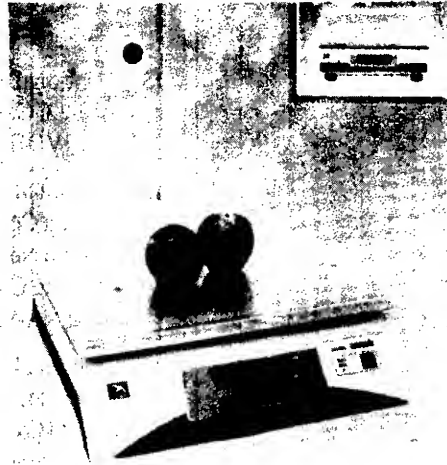
उपभोक्ता मामले, खाद्य और सार्वजनिक-वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 26 अक्टूबर, 2005

का.आ. 4275.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अयं, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सूर्या उद्योग, इंजीनियरिंग, ए-5, वैद्य भवन, पारीख स्कूल के सामने पावर हाऊस के पास, जोटवार रोड, जयपुर, राजस्थान द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एस डी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "सूर्या डिजी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/362 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृत गेज प्रकार का लोड सैल आधारित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 600 ग्रा. और न्यूनतम क्षमता 200 मि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील बंदकरने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए उसे खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक के 'ई' मान के लिए 100 से 50,000 तक के रेंज में सत्यापन अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के 'ई' मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(268)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)**

New Delhi, the 26th October, 2005

S.O. 4275.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "SD" series of high accuracy (Accuracy class-II) and with brand name "Surya Digi" (hereinafter referred to as the said model), manufactured by M/s. Surya-Uday Engineers, A-5, Vaid Bhawan, Opp. Pareek School, Near Power House, Jhotwara Road, Jaipur, Rajasthan and which is assigned the approval mark IND/0920/05/362;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 600g and minimum capacity of 200mg. The verification scale interval (e) is 10mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in range of 100 to 50,000 for 'e' value of 1mg to 50 mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(268)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 26 अक्टूबर, 2005

का.आ. 4276.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बॉट और माप मैनिक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सूर्या उदय, इंजीनियर, ए-5, वैद्य भवन, पारीख स्कूल के सामने पावर हाउस के पास, जोटवार रोड, जयपुर, राजस्थान द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस डी" शृंखला के अंकक सूचन सहित, अत्यधिकालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "सूर्या डिजी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/363 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सैल आधारित (टेबल टॉप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। स्थापन मापमान अंतराल (ई) का मान 5 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्राम से 2 ग्राम तक 'ई' मान के लिए 100 से 10,000 तक के रेंज में स्थापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में स्थापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान $V \& VR$, 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

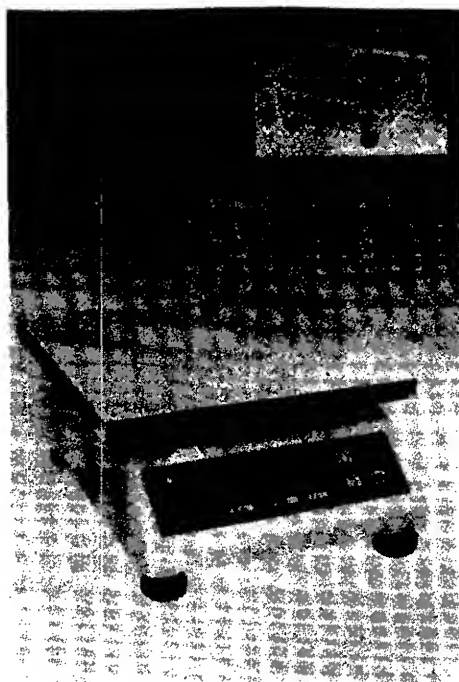
[फा. सं. डब्ल्यू एम-21(268)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th October, 2005

S.O. 4276.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "SD" series of medium accuracy (Accuracy class-III) and with brand name "Surya Digi" (hereinafter referred to as the said model), manufactured by M/s. Surya-Uday Engineers, A-5, Vaid Bhawan, Opp. Pareek School, Near Power House, Jhotwara Road, Jaipur, Rajasthan and which is assigned the approval mark IND/09/05/363;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved-model has been manufactured.

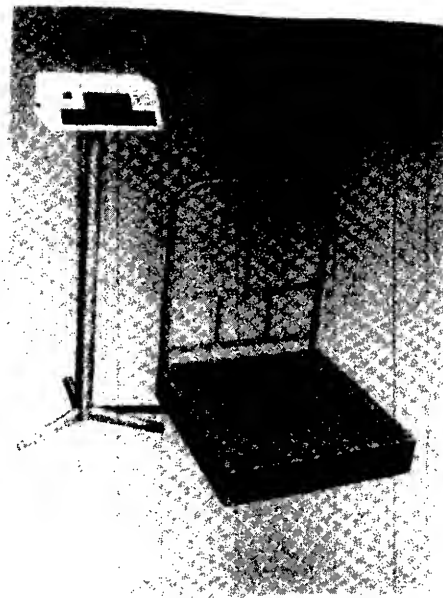
[F. No. WM-21(268)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 26 अक्टूबर, 2005

का.आ. 4277.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अम, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सूर्या उदय, इंजीनियर्स, ए+5, वैद्य भवन, पारीख स्कूल के सामने पावर हाऊस के पास, जोटवार रोड, जयपुर, राजस्थान द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एस डी” श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “सूर्या डिजी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/364 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का लोड सैल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि. ग्रा. है न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यपान मापमान अंतराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21(268)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th October, 2005

S.O. 4277.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "SD" series of Medium accuracy (Accuracy class-III) and with brand name "Surya Digi" (hereinafter referred to as the said model), manufactured by M/s. Surya-Uday Engineers, A-5, Vaid Bhawan, Opp. Pareek School, Near Power House, Jhotwara Road, Jaipur, Rajasthan and which is assigned the approval mark IND/09/05/364;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and upto 5000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

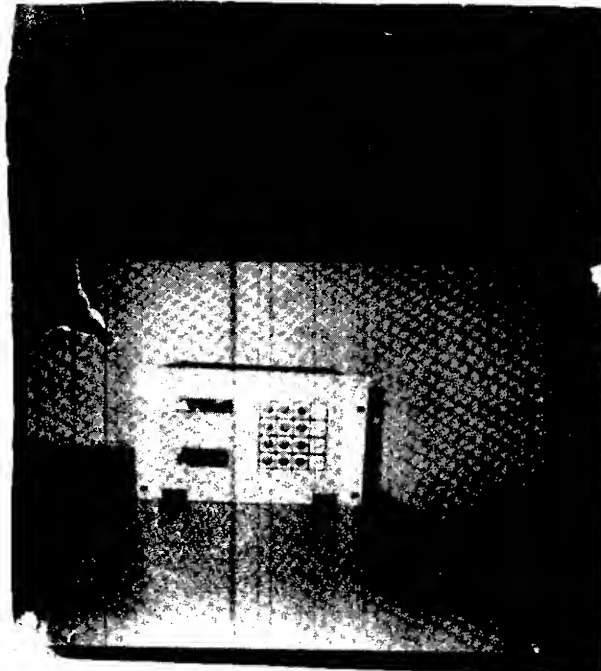
[F. No. WM-21(268)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 26 अक्टूबर, 2005

को.आ. 4278.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स कान वेइंग सिस्टम्स प्राइवेट लिमिटेड, 165, एस एस आई डी सी इंडस्ट्रियल एस्टेट, बराही, जिला सोनीपत हरियाणा द्वारा विनिर्मित मध्यम यथार्थता वर्ग X(i) वाले स्वचालित गुरुत्वमापी भरण उपकरण के मॉडल का, जिसके ब्रांड का नाम "सी डब्ल्यू एस एस ई सी + एन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/431 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सैल आधारित अस्वचालित गुरुत्वमापी भरण उपकरण है। इसकी क्षमता 50 कि. ग्रा. और स्पाउट्स के 8 नम्बर वाला है। मसमतम स्केल खण्ड 20 ग्रा. है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। यह 50 बैग प्रति मिनट भरता है।

स्टाम्पिंग प्लेट को मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 से 8 स्पाउट्स के 50 कि. ग्रा. की अधिकतम क्षमता वाले हैं।

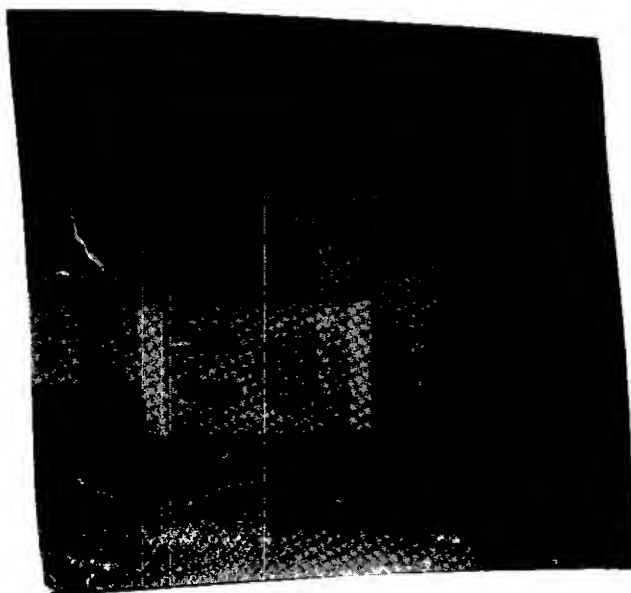
[फा.सं. डब्ल्यू एम-21(215)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the, 26th October, 2005

S.O. 4278.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Automatic Gravimetric Filling Instrument with digital indication of accuracy class-X (1) and with brand name "CWS MEC+N" (hereinafter referred to as the said Model), manufactured by M/s. Con-Weigh Systems Private Limited, 165, HSIDC Industrial Estate, Barhi, District-Sonepat-131 028, Haryana and which is assigned the approval mark IND/09/05/431;



The said model is a strain gauge type load cell based Automatic Gravimetric Filling Instrument with a maximum capacity of 50 kg. and consisting of 8 number of spouts. The smallest scale division is 20 kg. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply. It fills 50 bags per minute.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the filling instruments of similar make, accuracy and performance of same series with maximum capacity of 50 kg of spouts 1 to 8 manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

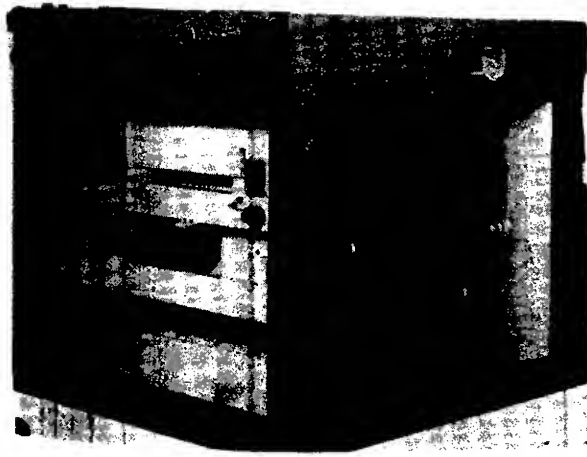
[F. No. WM-21(215)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 26 अक्टूबर, 2005

का. आ. 4279.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स रीडमिडवे पैकेजिंग कं० ऑफ इंडिया प्रा० लि०, प्लॉट नं० 5-ई, सैक्टर-4, बल्लभगढ़-121004, हरियाणा द्वारा निर्मित स्वचालित भारत्म भरण उपकरण जो "एम 90" शृंखला के मॉडल का, जिसका ब्रांड का नाम "रीडमिडवे" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/415 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित भारत्मक भरण उपकरण है जो यथार्थता वर्ग X (1) का है। इसकी अधिकतम क्षमता 50 कि.ग्रा. है। इसकी अधिकतम भरण दर 20 थैली प्रति मिनट है। द्रव क्रिस्टल उपदर्श (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। मशीन को अनाज, चाय, चीनी, बीजों, नमक, पेट्रो रसायन, रसायन पाउडर, वर्तक पदार्थ इत्यादि उत्पादों को भरने के लिए डिजाइन किया गया है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन स्वचालित भरण मशीन भी होगी जो 1 कि.ग्रा., 100 कि.ग्रा. तक के रेंज के अधिकतम क्षमता के हैं।

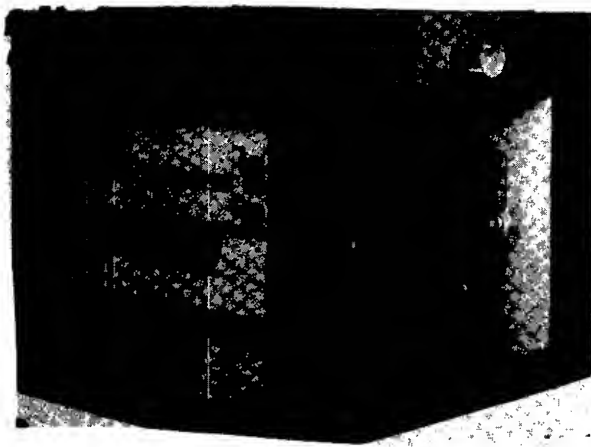
[फा. सं. डब्ल्यू एम-21(358)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the, 26th October, 2005

S.O. 4279. —Whereas the Central Government, after considering the report submitted to-it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of automatic gravimetric filling instrument of "M90" series with brand name "Reed Medway" (herein referred to as the said model), manufactured by M/s. Reed Medway Packaging Co. of India Private Limited, Plot No. 5E, Sector-4, Ballabhgarh-121004, Haryana and which is assigned the approval mark IND/09/2005/415:



The said model is a strain gauge type load cell based automatic gravimetric filling instrument belonging to accuracy class X(1). Its maximum capacity is 50kg. It has a maximum fill rate up to 20 bags per minute. The said model is made for the net weighing of the products with a pre fix value and is programmable. It has also the multidump facility. The Liquid Crystal Display (LCD) indicates the weighing result. The machine is designed for filling of products like food grains, tea, sugar, seeds, salts, petrochemicals, chemicals powder, refractory materials etc.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the automatic filling machine of similar make, accuracy and performance of same series with maximum capacity in the range of 1kg to 100kg manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the said approved model has been manufactured.

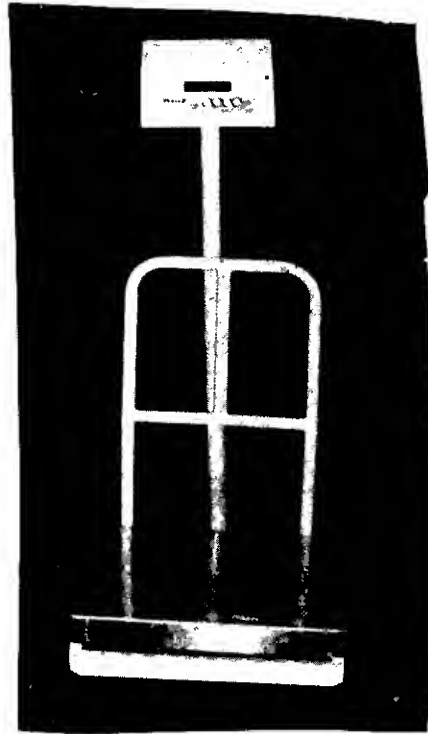
[F. No. WM-21(358)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 26 अक्टूबर, 2005

का. आ. 4280.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स डी एस ओटोमेशन, पारिजात कालोनी, नं. 85, जवाल्कर नगर, पिम्पल गुरुब, पुणे-411027 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “डी एस-705” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “एच एम टी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/05/271 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का लोड सेल आधारित तोलन उपकरण (प्लेटफार्म प्रकार का) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन माप मान सहित 50 कि. ग्रा. से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^6 , 2×10^6 या 5×10^6 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

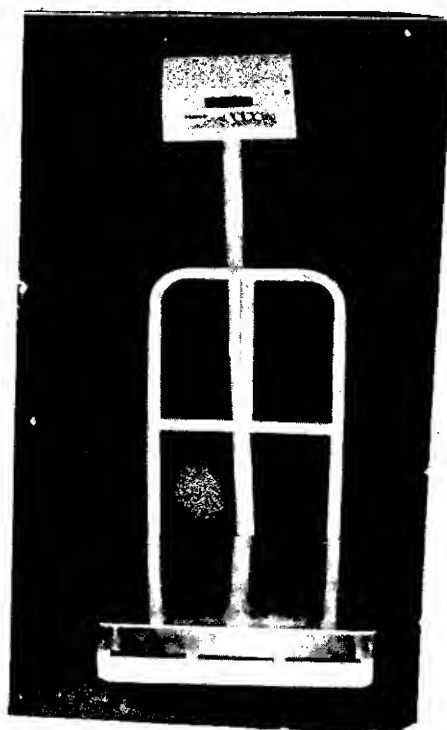
[फा. सं. डब्ल्यू एम 21(238)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the, 26th October, 2005

S.O. 4280.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "DS-705" series of medium accuracy (Accuracy class-III) and with brand name "HMT" (hereinafter referred to as the said Model), manufactured by M/s. D. S. Automation, Parijat Colony, No. 85, Jawalkar Nagar, Pimple Guruv, Pune-411 027 and which is assigned the approval mark IND/09/2005/271;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 Kg. and minimum capacity of 2Kg. The verification scale interval (e) is 100g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to scaling the stamping plate, scaling shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and upto 5000 kg, with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. more and with 'e' value of 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

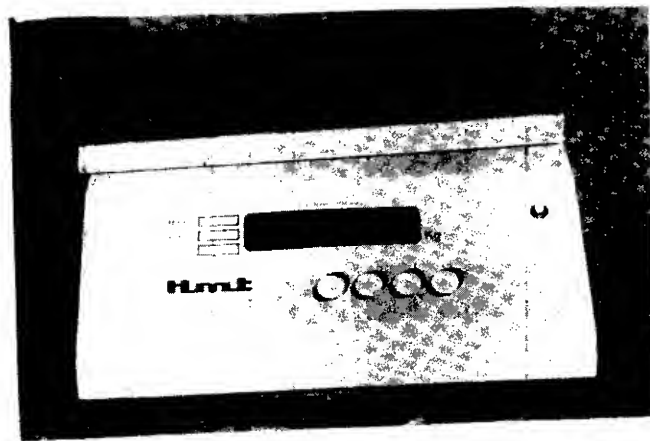
[F. No. WM-21(238)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 26 अक्टूबर, 2005

का. आ. 4281.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अद्य केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स डी एस ओटोमेशन, पारिजात कालोनी, नं. 85, जबाल्कर नगर, पिम्पल गुरुब, पुणे-411027 द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले “डी एस-605” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “एच एम टी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/269 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित तोलन उपकरण (टेबल टोप प्रकार का) है। इसकी अधिकतम क्षमता 20 कि.ग्रा. है और न्यूनतम क्षमता 50 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

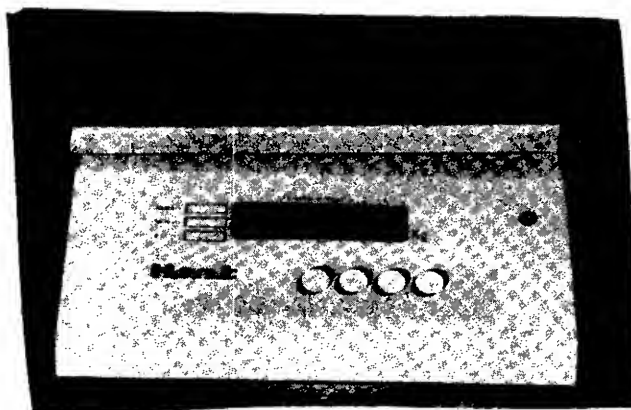
[अ. सं. डब्ल्यूएम 21(238)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the, 26th October, 2005

S.O. 4281.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "DS-605" series of high accuracy (Accuracy class-II) and with brand name "HMT" (hereinafter referred to as the said Model), manufactured by M/s. D. S. Automation, Parijat Colony, No. 85, Jawalkar Nagar, Pimple Guruv, Pune-411 027 and which is assigned the approval mark IND/09/2005/269:



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 20 Kg. and minimum capacity of 50g. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

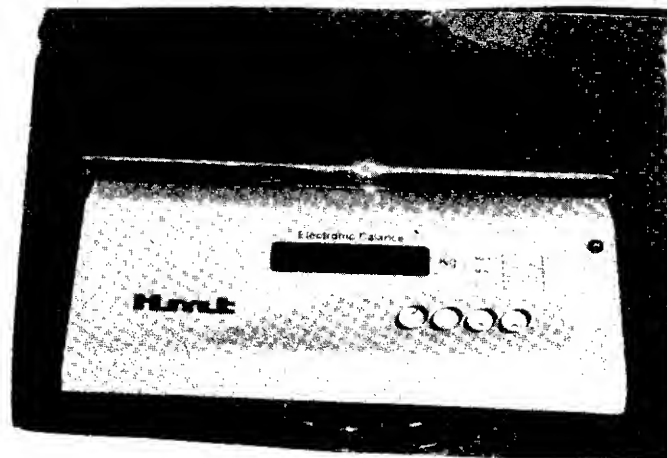
[F. No. WM-21(238)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 26 अक्टूबर, 2005

का. आ. 4282.— केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नोट दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स डी एस ओटोमेशन, पोरिजात कालोनी, चं. 85, जबाल्कर नगर, पिम्पल गुरुब, पुणे-411027 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "डी एस-305" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एच एम टी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/270 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का लोड सेल आधारित तोलन उपकरण (टेबल टोप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(238)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th October, 2005

S.O. 4282. —Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "DS-305" series of medium accuracy (Accuracy class-III) and with brand name "HMT" (hereinafter referred to as the said model), manufactured by M/s. D. S. Automation, Parijat Colony, No. 85, Jawalkar Nagar, Pimple Guruv, Pune-411 027 and which is assigned the approval mark IND/09/2005/270;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 Kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

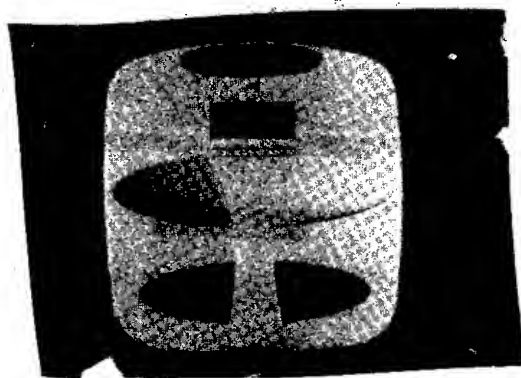
[F. No. WM-21(238)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 26 अक्टूबर, 2005

का. आ. 4283.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मोरपेन लेबोर्ट्रीज लिमिटेड, 4 तल, अंतरिक्ष भवन, 72, के जी. मार्ग, नई दिल्ली-110001 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एम एस" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (व्यक्ति तोलन मशीन) के मॉडल का, जिसके ब्रांड का नाम "डा. मोरपेन होम हेल्थ" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2005/423 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार भार सेल आधारित अस्वचालित (व्यक्ति तोलन मशीन) तोलन उपकरण है। इसकी अधिकतम क्षमता 150 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। द्रव क्रिस्टल (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 12—24 वोल्ट डी सी विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी समग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 100 कि. ग्रा. से अधिक और 200 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

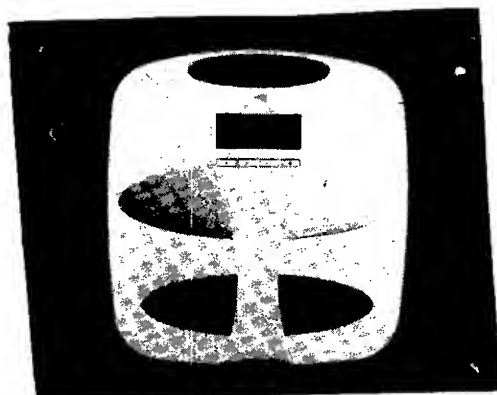
[फा. सं. डब्ल्यू एम 21(39)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th October, 2005

S.O. 4283. —Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Person Weighing Machine) with digital indication of "MS" series of medium accuracy (Accuracy class-III) and with brand name "Dr. Morepen Home Health" (hereinafter referred to as the said Model), manufactured by M/s. Morepen Laboratories Limited, 4th Floor, Antriksh Bhawan, 22, K.G. Marg, New Delhi-110 001 and which is assigned the approval mark IND/09/2005/423;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Person Weighing Machine) with a maximum capacity of 150 Kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100g. The Liquid Crystal Display (LCD) indicates the weighing result. The instrument operates on 12—24 Volts DC.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 100 kg. to 200 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

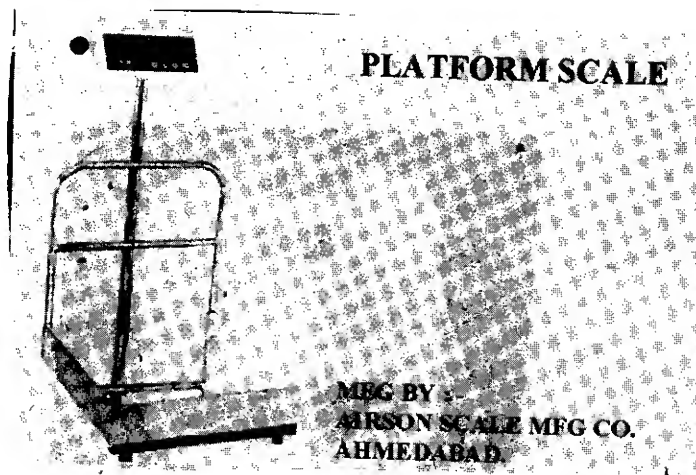
[F. No. WM-21(39)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 26 अक्टूबर, 2005

का. आ. 4284.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एडारसन स्केल मैन्युफैक्चरिंग, डी-25/2, श्री जी डब इंडस्ट्रीयल इस्टेट, बरोडा, जी आई डी सी, अहमदाबाद-382330, गुजरात द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "ए आई आर" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसका ब्रांड का नाम "एअरटान" है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2005/515 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) का तोलन उपकरण से संकक ग्रथन सहित रोडसैल सिद्धान्त पर कार्य करता है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज. प्रत्यावर्ती धारा पर कार्य करता है।

स्टाम्पिंग प्लेट की सीलबन्द करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी समग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

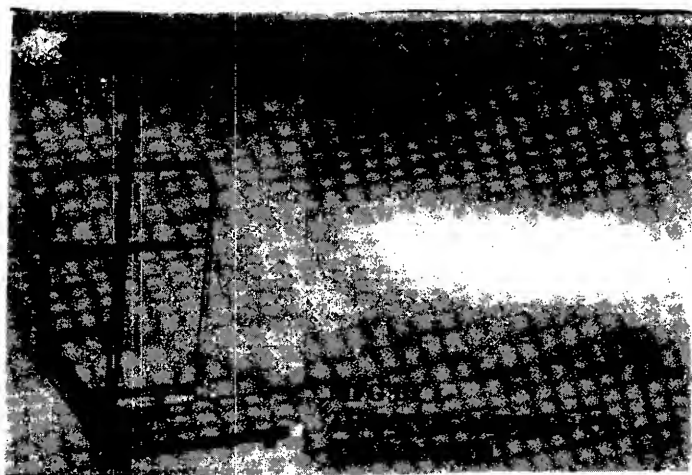
[फा. सं. डब्ल्यूएम 21(339)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the, 26th October, 2005

S.O. 4284.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "AIR" series of medium accuracy (Accuracy class-III) and with brand name "AIRSON" (hereinafter referred to as the said Model), manufactured by M/s. Airson Scale Manufacturing Company, D-25/2, Shreeji Industrial Estate, Naroda, GIDC, Ahmedabad-382 330, Gujarat and which is assigned the approval mark IND/09/2005/515;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) working on the principle of load cell with a digital indication of maximum capacity of 1000 Kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing is done to prevent the opening machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity above 50kg. and upto 5000kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

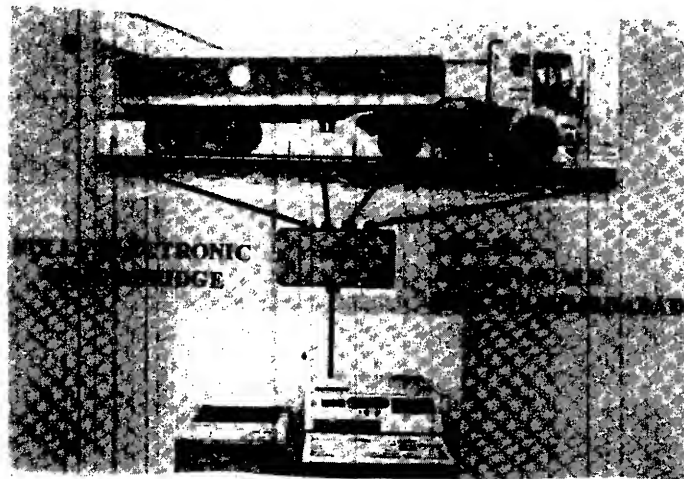
[F. No. WM-21(339)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 26 अक्टूबर, 2005

का. आ. 4285.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एयरसन स्केल मैन्युफैक्चरिंग, डी-15/2, श्री जी डब्ल्यू इंडस्ट्रीयल इस्टेट, नरोडा, जी आई डी सी, अहमदाबाद-382330, गुजरात द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "ए आई आर" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (वे ब्रिज प्रकार) के मॉडल का, जिसका ब्रांड का नाम "एअरटन" है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2005/516 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित (वे ब्रिज प्रकार का) का तोलन उपकरण से संकक ग्रथन सहित रोड सैल सिद्धांत पर कार्य करता है। इसकी अधिकतम क्षमता 50 टन है और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा पर कार्य करता है।

स्टाम्पिंग प्लेट की सीलबन्द करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंदी की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदन मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

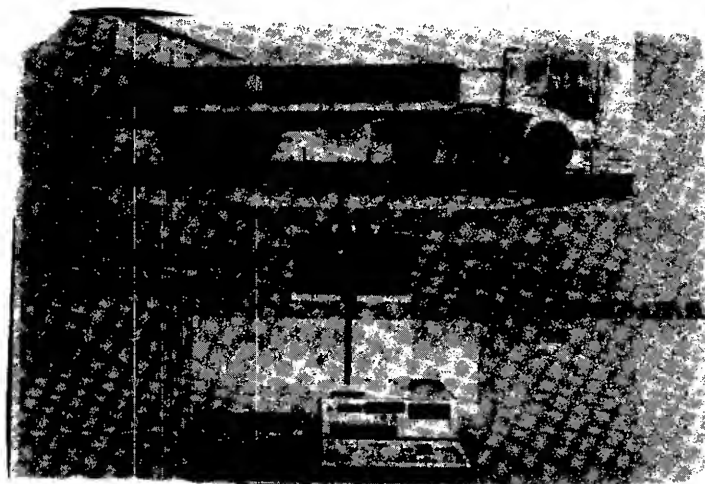
[फा. सं. डब्ल्यूएम 21(339)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the, 26th October, 2005

S.O. 4285. —Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge type) with digital indication of "AIR" series of medium accuracy (Accuracy class-III) and with brand name "AIRSON" (hereinafter referred to as the said Model), manufactured by M/s. Airson Scale Manufacturing Company, D-25/2, Shreeji Industrial Estate, Naroda, GIDC, Ahmedabad-382 330, Gujarat and which is assigned the approval mark IND/09/2005/516;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) working on the principle of load cell with a digital indication of maximum capacity of 50 tonne and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing is done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity above 5 tonne and upto and with 100 tonne number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k where k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

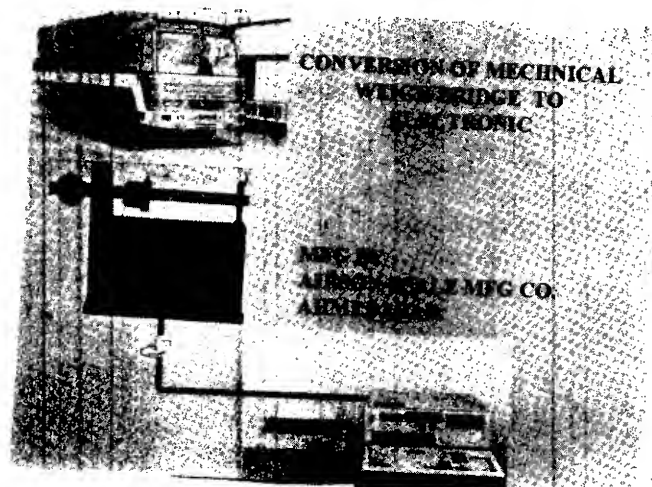
[F. No. WM-2 (339)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 26 अक्टूबर, 2005

क्र. आ. 4286.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एअरसन स्केल मैन्युफैक्चरिंग, डी-25/2, श्री जी डब इंडस्ट्रीयल इस्टेट, नरोडा, जी आई डी सी, अहमदाबाद-382330, गुजरात द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “ए आई आर” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (वे ब्रिज के लिए कनवर्शन किट प्रकार) के मॉडल का, जिसका ब्रांड नाम “एअरसन” है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2005/517 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का लोड सेल आधारित अस्वचालित (वे ब्रिज प्रकार के) का तोलन उपकरण जो अंकक सूचन सहित रोडसैल सिद्धान्त पर कार्य करता है। इसकी अधिकतम क्षमता 50 टन है और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा पर कार्य करता है।

स्टाम्पिंग प्लेट की सीलबन्द करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्दी की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी समग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 5 टन से 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

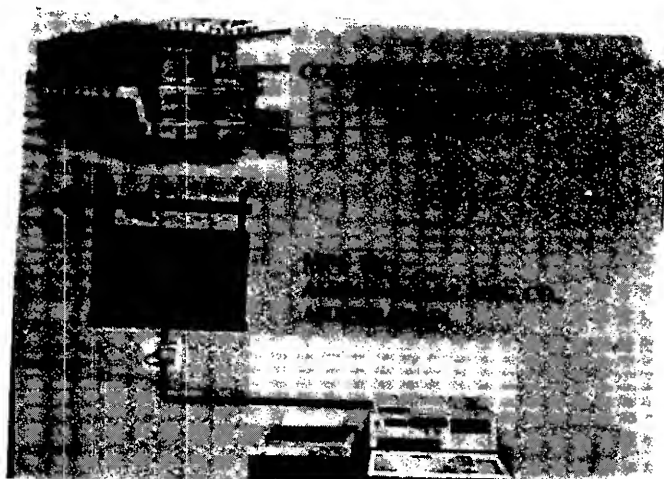
[फ़. सं. डब्ल्यूएम 21(339)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the, 26th October, 2005

S.O. 4286. —Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Conversion kit for weighbridge type) with digital indication of "AIR" series of medium accuracy (Accuracy class-III) and with brand name "AIRSON" (hereinafter referred to as the said Model), manufactured by M/s. Airson Scale Manufacturing Company, D-25/2, Shreeji Industrial Estate, Naroda, GIDC, Ahmedabad-382 330, Gujarat and which is assigned the approval mark IND/09/2005/517;



The said model is a strain gauge type load cell based non-automatic weighing instrument (weigh bridge type) working on the principle of load cell with digital indication of maximum capacity of 50 tonne and minimum capacity of 100 kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing is done to prevent the opening machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity above 5 tonne and upto 100 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

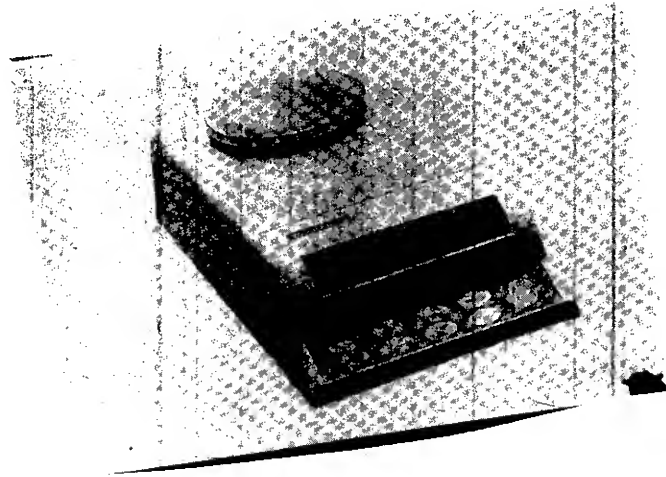
[F. No. WM-21(339)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 26 अक्टूबर, 2005

का. आ. 4287.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स अनैम्ड इन्स्ट्रूमेंट्स प्राइवेट लिमिटेड, पो औ बाक्स नं० 8336, सं. 31, उजागर इंडस्ट्रियल एस्टेट, डब्ल्यू टी पी रोड, दिओनार, मुंबई-400080 महाराष्ट्र द्वारा निर्मित विशेष यथार्थता (यथार्थता वर्ग I) वाले "एम एक्स" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "अनैम्ड" है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2005/391 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल इलक्ट्रो मैग्नेटिक फोर्स काम्पेन्सेशन प्रोद्योगिकी आधारित अस्वचालित (टेबल टोप प्रकार) का तोलन उपकरण है इसकी अधिकतम क्षमता 100 ग्रा. और न्यूनतम क्षमता 100 मि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 1 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 50,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 42 ग्रा. से 320 ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

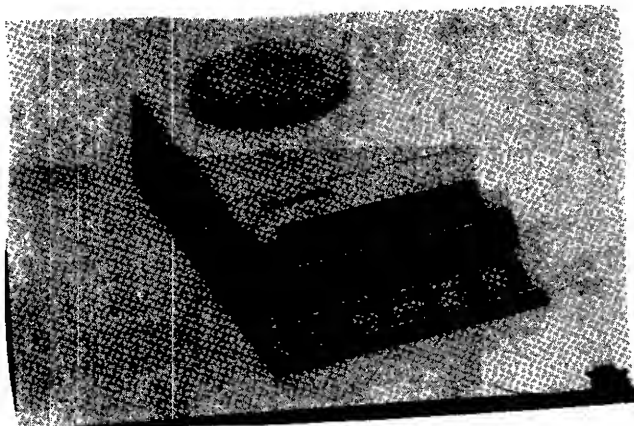
[फा. सं. डब्ल्यूएम 21(169)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the, 26th October, 2005

S.O. 4287. —Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Table top type) with digital indication of "MX" series of belonging to special accuracy (accuracy class-I) and with brand name "ANAMED" (herein referred to as the said Model), manufactured by M/s. Anamed Instruments Private Limited, P.O. Box No. 8336, No. 31 Ujagar Industrial Estate, W.T.P. Road, Deonar, Mumbai-400 088, Maharashtra and which is assigned the approval mark IND/09/2005/391;



The said model is a Electro Magnetic force Compension technology based non-automatic weighing instrument (Table top type) with a maximum capacity of 100g and minimum capacity of 100 mg. The verification scale interval (e) is 1mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) display indicates the weighing result. The instrument operates on 230V, 50 Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 42g to 320g with of verification scale interval (n) in the range of 50,000 and about for 'e' value of 1 mg or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same pinciple, design and with the same materials with which, the said approved model has been manufactured.

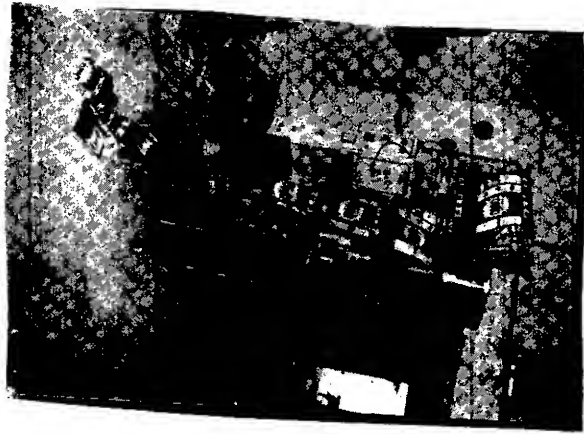
[F. No. WM-21(169)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 26 अक्टूबर, 2005

का. अ. 4288.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स विश्वकर्मा इण्डस्ट्रीज, प्लॉट सं० 733, जवाहर कालोनी, एन आई टी, फरीदाबाद, हरियाणा-121005 द्वारा निर्मित "बी आई" शृंखला के अंकक सूचन सहित, स्वचालित भरण मशीन (कप पूरक प्रकार) के मॉडल का, जिसके ब्रांड का नाम "बी आई" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/456 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक स्वचालित भरण मशीन (कप भरक) है। इसकी अधिकतम क्षमता 1000 ग्रा. है। इसकी अधिकतम भर दर 25 पाउच प्रति मिनट है। मशीन को चाय, चीनी लवण, काफी, अनाज, सूजी आदि जैसे मुक्त प्रवाह वाले उत्पादों को भरने के लिए डिजाइन किया गया है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के भरण मशीन भी होंगे जो 10 ग्रा. से 1 कि.ग्रा. तक की अधिकतम क्षमता की रेंज में हैं।

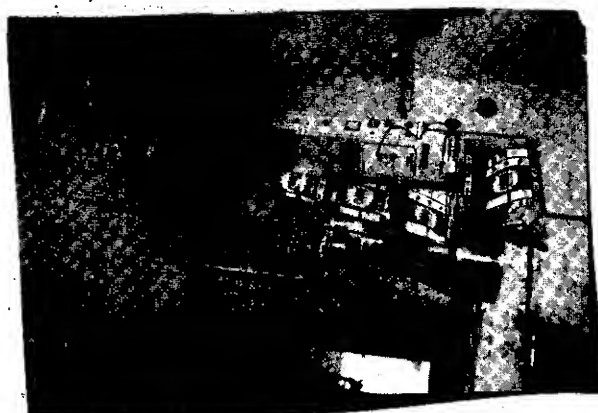
[फ़. सं. डब्ल्यू एम-21(333)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th October, 2005

S.O. 4288.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Automatic Filling Machine (Cup Filler) with digital indication of “VI” series with brand name “VI” (hereinafter referred to as the said model), manufactured by M/s. Vishwakarma Industries, Plot No. 733, Jawahar Colony, NIT Faridabad-121005, Haryana and which is assigned the approval mark IND/09/05/456;



The said model is an automatic filling machine (Cup Filler). Its maximum capacity is 1000g. It has maximum fill rate of 25 pouches per minute. The machine is designed for filling of free flowing products like tea, sugar, salt, coffee, grains, suzi, etc. The instrument operates on 230 Volts, AC and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the automatic filling machine of similar make accuracy and performance of the same series with maximum capacity in the range of 10g. to 1kg manufactured by the same manufacturer in accordance with the same principle, design, with the same materials with which, the said approved model has been manufactured.

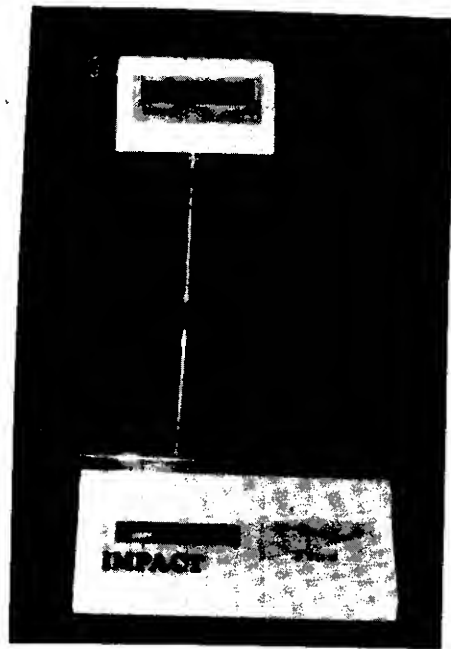
[F. No. WM-21(333)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 26 अक्टूबर, 2005

का. आ. 4289.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अस्, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इम्पैक्ट इनस्ट्रुमेंट्स, 25, श्रीनाथ नगर एस्टेट, गांधी स्टैण्ड के पीछे, भोलवाड़ा, अमराईवाडी, अहमदाबाद-26, गुजरात द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "आई एस टी-50" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "इम्पैक्ट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/345 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित (टेबल टोप प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

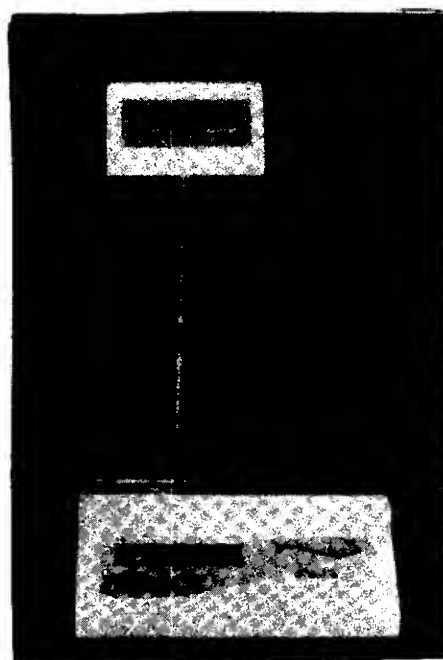
[फा. सं. डब्ल्यू एम-21(261)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th October, 2005

S.O. 4289.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "IMT-50" series of high accuracy (accuracy class-II) and with brand name "IMPACT" (hereinafter referred to as the said model), manufactured by M/s. Impact Instruments, 25, Shreenath Nagar Estate, Opp. Gandhi Stand, Bhilvada Road, Amraiwadi, Ahmedabad-26, Gujarat and which is assigned the approval mark IND/09/05/345 ;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (e) in the range of 100 to 50,000 for 'e' value of 1 mg to 50mg and with verification scale interval (e) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(261)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 26 अक्टूबर, 2005

क्र. अ. 4290.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इम्पैक्ट इनस्ट्रुमेंट्स, 25, श्रीनाथ नगर एस्टेट, गांधी स्टैण्ड के पीछे, भीलवाड़ा, अमराईवाडी, अहमदाबाद-26, गुजरात द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "आई एस पी-50" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसका ब्रांड का नाम "इम्पैक्ट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/346 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित (प्लेटफार्म प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि.ग्रा. से अधिक और 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

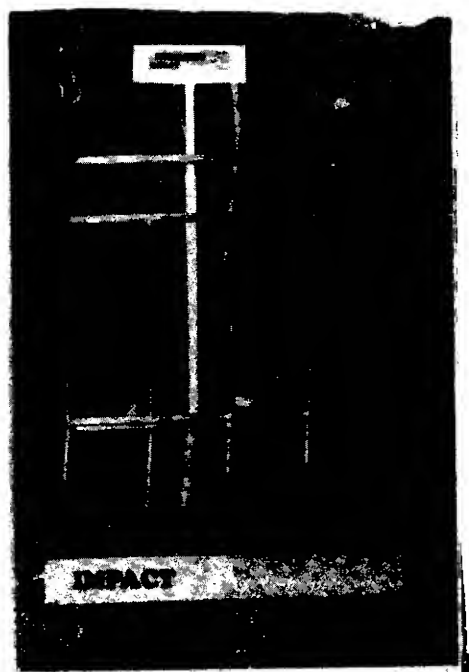
[फा. सं. डब्ल्यू एम-21(261)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th October, 2005

S.O. 4290.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "IMP-50" series of medium accuracy (accuracy class-III) and with brand name "IMPACT" (herein referred to as the said model), manufactured by M/s. Impact Instruments, 25, Shreenath Nagar Estate, Opp. Gandhi Stand, Bhilvada Road, Anandnagar, Ahmedabad-26, Gujarat and which is assigned the approval mark IND/09/05/346;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500 kg, and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 1000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

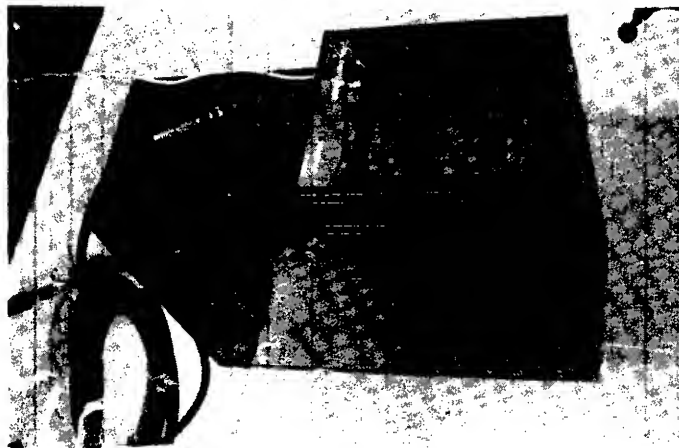
[F. No. WM-21(261)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 26 अक्टूबर, 2005

का. आ. 4291.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रोटेक, प्लॉट सं. 99, नवीनीरमन नगर, रोड सं. 71, जुबली हिल्स, हैदराबाद-500033 द्वारा निर्मित "पीटी-बी के" श्रृंखला के स्वचालित तेल डिस्पेंसर (वितरक) के मॉडल का, जिसके ब्रांड का नाम "वीकिंग" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/378 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त स्वचालित तेल डिस्पेंसर (वितरक) है। इसकी अधिकतम क्षमता 500 मि.ली. है। इसका न्यूनतम प्रभाग 10 मि.ली. है। यह यू.टी., 4 टी और मीटर आयल की पूर्व अवधारित मात्रा यान टंकी या पेट्रोल डिस्पेंसर नोजल के माध्यम से डाल सकता है। उपकरण 230 वॉल्ट और 50 हर्ट्ज प्रत्यावर्ती द्वारा विद्युत प्रदाय पर कार्य करता है और इसका प्रदर्श उपदर्शन द्रव क्रिस्टल प्रदर्श (एल सी डी) प्रकार का है।

पम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के स्वचालित तेल डिस्पेंसर (वितरक) भी होंगे जो अधिकतम क्षमता 300 मि.ली. से 500 मि.ली. तक की रेंज वाले हैं।

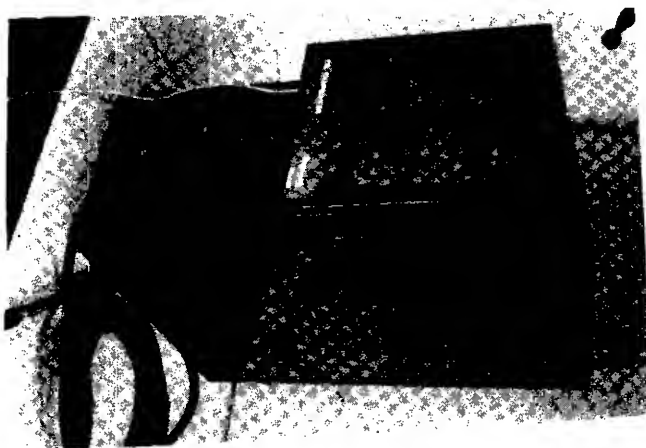
[फा. सं. डब्ल्यू.एन-21(162)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th October, 2005

S.O. 4291.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Automatic Oil Dispenser of 'PT-VK' series with brand name "VIKING" (herein referred to as the said model), manufactured by M/s. Protech, Plot No. 99 Navanirman Nagar, Road No. 71, Jubilee Hills, Hyderabad-500 033 and which is assigned the approval mark IND/09/05/378;



The said model automatic oil dispenser is a measuring device. Its maximum capacity is 500ml. The smallest division is 10ml. It may deliver pre-determined quantity of 2T, 4T and mobile oil to the vehicle tank or through the petrol dispenser nozzle. It operates on 230 Volts 50Hertz alternative power supply and the display of the indication is of Liquid Crystal Display (LCD) type.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the the automatic oil dispenser of similar make, accuracy and performance of the same series with maximum capacity in the range of 300ml to 500ml manufactured by the same manufacturer in accordance with the same principle, design and with same material with which, the said approved model has been manufactured.

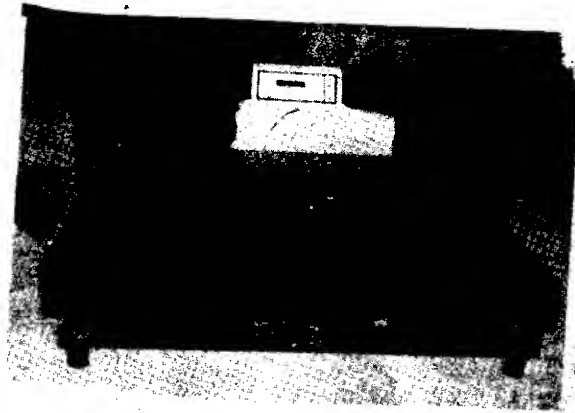
[F. No. WM-21(162)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 26 अक्टूबर, 2005

का. आ. 4292.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स श्याम इलैक्ट्रॉनिक सिस्टम, स्टेट बैंक ऑफ़ बीकानेर एंड जयपुर के सामने, कोतवाली रोड, सीकर-332 001, राजस्थान द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एस ई पी” श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेट फार्म प्रकार) के मॉडल का, जिसका ब्रांड का नाम “क्लासिक” है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/514 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एकीकृत गेज प्रकार का लोड सैल आधारित अस्वचालित (प्लेट फार्म प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 2000 कि.ग्रा. है और न्यूनतम क्षमता 1 कि. ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 200 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा पर कार्य करता है।

स्टाम्पिंग प्लेट की सीलबंद करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंदी की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 50 कि.ग्रा. से अधिक 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

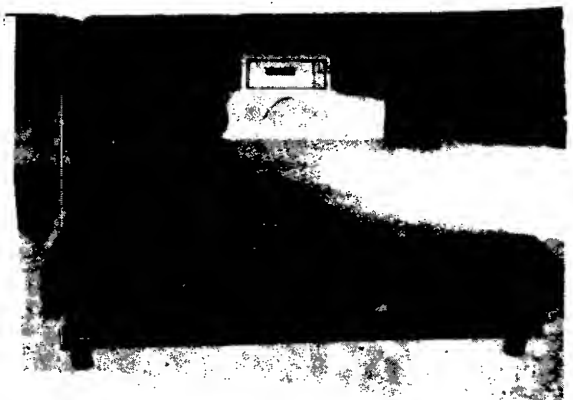
[फा. सं. डब्ल्यू एम-21(253)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th October, 2005

S.O. 4292.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "SEP" series of medium accuracy (Accuracy class-II) and with brand name "CLASSIC" (hereinafter referred to as the said model), manufactured by M/s. Shyam Electronic System Opposite State Bank of Bikaner & Jaipur, Kothwali Road, Sikar-332 001, Rajasthan and which is assigned the approval mark IND/09/05/514;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity is 2000 kg. and minimum capacity of 4 kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg to 5000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

JF MS WM-21(253)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 26 अक्टूबर, 2005

का. आ. 4293.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स श्याम इलैक्ट्रॉनिक सिस्टम, स्टेट बैंक ऑफ़ बीकानेर एंड जयपुर के सामने, कोतवाली रोड, सीकर-332001, राजस्थान द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एस एस टी" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसका ब्रांड का नाम "क्लासिक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/513 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एकीकृत गेज प्रकार का लोड सैल आधारित अस्वचालित (टेबल टॉप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 10 कि.ग्रा. है और न्यूनतम क्षमता 20 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा पर कार्य करता है।

स्टाम्पिंग प्लेट की सीलबंद करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंदी की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तालन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्राम तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(253)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th October, 2005

S.O. 4293.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "SST" series of medium accuracy (Accuracy class-III) and with brand name "CLASSIC" (hereinafter referred to as the said model), manufactured by M/s. Shyam Electronic System Opposite State Bank of Bikaner & Jaipur, Kothwali Road, Sikar-332 001, Rajasthan and which is assigned the approval mark IND/09/05/513;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity is 10 kg. and minimum capacity of 20 g. The verification scale interval (e) is 1g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 2g and with verification scale interval(n) in range of 500 to 10,000 for 'e' value 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(253)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 26 अक्टूबर, 2005

क्र. आ. 4294.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स श्याम इलेक्ट्रॉनिक सिस्टम, स्टेट बैंक ऑफ बीकानेर एंड जयपुर के सामने, कोतवाली रोड, सीकर-332001, राजस्थान द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "एम ई टी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसका ब्रांड का नाम "क्लासिक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/512 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एकीकृत गेज प्रकार का लोड सैल आधारित अस्वचालित (टेबल टॉप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 15 कि.ग्रा. है और न्यूनतम क्षमता 50 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा पर कार्य करता है।

स्टाम्पिंग प्लेट की सीलबंद करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंदी की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि. ग्राम तक "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

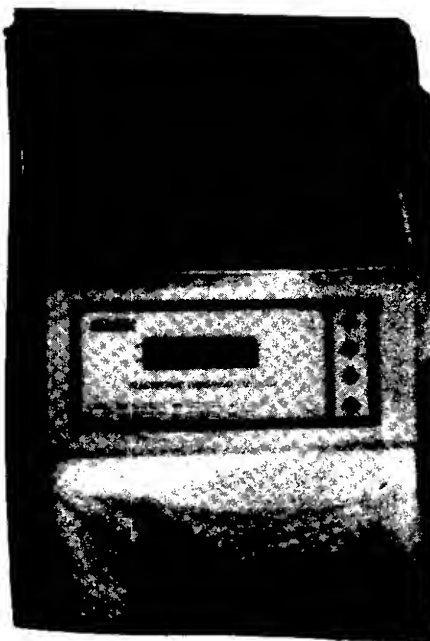
[फा. सं. डब्ल्यू एम-21(253)/2004]

पो. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th October, 2005

S.O. 4294.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "SET" series of high accuracy (Accuracy class-II) and with brand name "CLASSIC" (hereinafter referred to as the said model), manufactured by M/s. Shyam Electronic System Opposite State Bank of Bikaner and Jaipur, Kothwali Road, Sikar-332001, Rajasthan and which is assigned the approval mark IND/09/05/512;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity is 15 kg. and minimum capacity of 50g. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to scaling the stamping plate, scaling shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval(n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

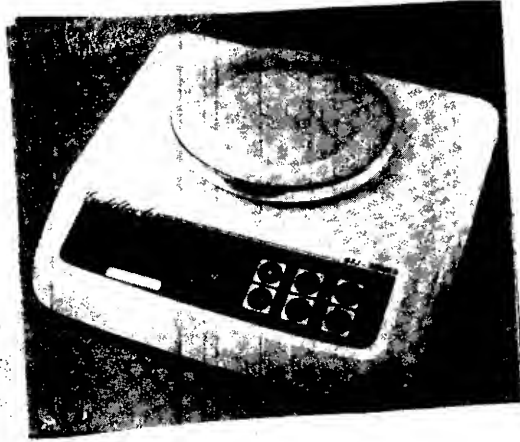
[F. No. WM-21(253)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 27 अक्टूबर, 2005

का. आ. 4295.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आर बी कमर्शियल कारपोरेशन, आर-18, सरदार ग्रिहा, प्रथम तल, नं० 198, एल टी मार्ग, मुम्बई-400002 महाराष्ट्र द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "ए बी डब्ल्यू ई" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "आर बी सी ओ" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/342 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 11 कि.ग्रा. है और न्यूनतम क्षमता 50 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्ट्रामिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और इसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अन्तराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान (एन) अन्तराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(256)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the, 27th October, 2005

S.O. 4295. —Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of "RBWE" series of high accuracy (Accuracy class-II) and with brand name "RBCO" (hereinafter referred to as the said Model), manufactured by M/s. R.B. Commercial Corporation, R-18, Sardargriha, 1st Floor, No. 198, L.T. Marg, Mumbai-400002, Maharashtra and which is assigned the approval mark IND/09/2005/342;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 11 Kg. and minimum capacity of 50g. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

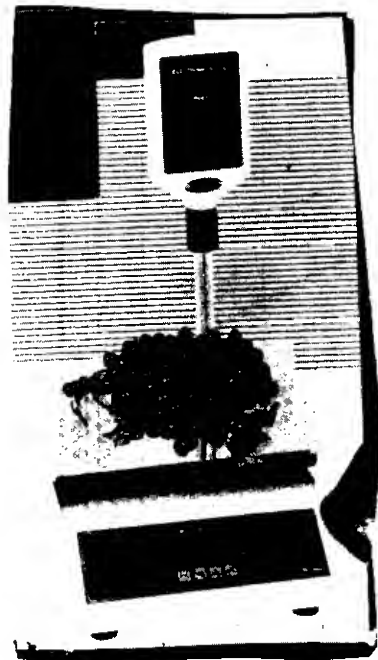
[F. No. WM-21(256)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 27 अक्टूबर, 2005

का. आ. 4296.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आर. बी. कमर्शियल कारपोरेशन, आर-18, सरदार ग्रिहा, प्रथम तल, नं० 198, एल टी मार्ग, मुम्बई-400002 महाराष्ट्र द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "ए बी डब्ल्यू टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "आर बी सी ओ" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2005/343 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्यमिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी समग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अन्तराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

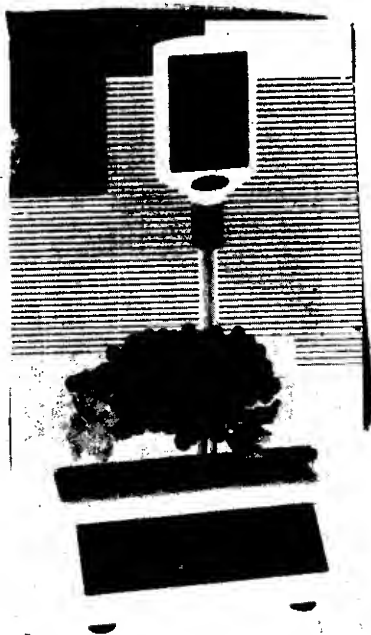
[फा. सं. डब्ल्यू एम-21(256)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the, 27th October, 2005

S.O. 4296. —Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of "RBWT" series of medium accuracy (Accuracy class-III) and with brand name "RBCO" (hereinafter referred to as the said Model), manufactured by M/s. R. B. Commercial corporation, R-18, Sardargriha, 1st Floor, No. 198, L.T. Marg, Mumbai-400002, Maharashtra and which is assigned the approval mark IND/09/2005/343;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 Kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

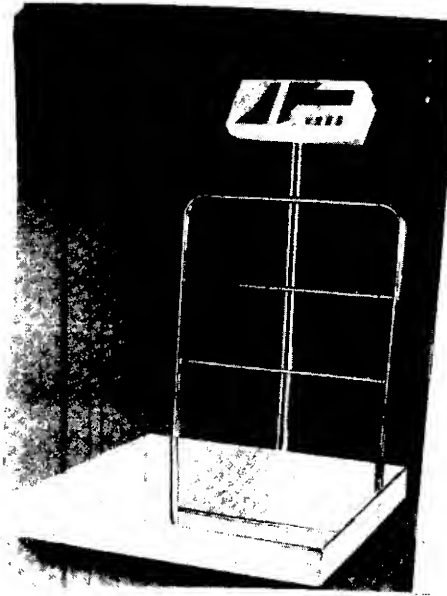
[F. No. WM-21(256)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 27 अक्टूबर, 2005

का.आ. 4297.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आर बी कामर्शियल कारपोरेशन, आर-18, सरदार ग्रिहा, प्रथम तल, नं० 198, एल टी मार्ग, मुम्बई-400002 महाराष्ट्र द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "ए बी डब्ल्यू पी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "आर बी सी ओ" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/05/344 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत-गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार का) है। इसकी अधिकतम क्षमता 500 कि.ग्रा. है और न्यूनतम क्षमता 1 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्पन्नक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मान (एन) अन्तराल सहित 50 कि. ग्रा. से अधिक और 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^5 , 2×10^5 या 5×10^5 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

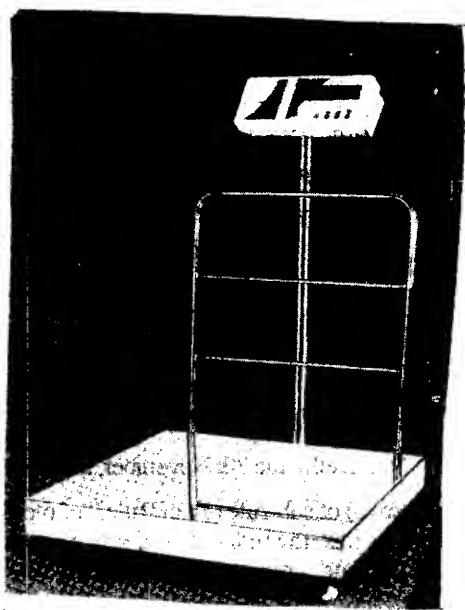
[फ़. सं. डब्ल्यू.एम-21(256), 2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the, 27th October, 2005

S.O. 4297.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "RBWP" series of medium accuracy (Accuracy class-III) and with brand name "RBCO" (hereinafter referred to as the said Model), manufactured by M/s. R.B. Commercial Corporation, R-18, Sardargriha, 1st Floor, No. 198, L.T. Marg, Mumbai-400002 and which is assigned the approval mark IND/09/05/344;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500 Kg. and minimum capacity of 1Kg. The verification scale interval (e) is 50g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and upto 1000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(256)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

भारतीय मानक ब्यूरो

नई दिल्ली, 7 नवम्बर, 2005

का.आ. 4298.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15623 : 2005 मेलेमाइन (2, 4, 6, ट्राईअमीनो 1, 3, 5, ट्राईएंजीन) — विशिष्ट	कुछ नहीं	अक्तूबर, 2005
2.	आई एस 15621 : 2005 टेट्राब्रोसफिनाइल-ए-विशिष्ट	कुछ नहीं	सितम्बर, 2005

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों, अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[सं. पी सी डी/जी-7 (गजट)]

डॉ. डी. के. चौधरी, वैज्ञानिक 'एफ' एवं प्रमुख
(पेट्रोल, कोयला एवं सम्बन्धित उत्पाद)

BUREAU OF INDIAN STANDARDS

New Delhi, the 7th November, 2005

S.O. 4298.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and Year and title of the Indian Standards Established	No. and year of the Indian Standards, if any Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 15623 : 2005 Melamine (2, 4, 6 Triamino 1,3, 5 Triazine)-Specification	None	October, 2005
2.	IS 15621 : 2005 Tetrabromobisphenol-A-Specification.	None	September, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. PCD/G-7(Gazette)]

Dr. D. K. CHAUDHURI, Sc 'F' & Head. (PCD)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 9 नवम्बर, 2005

का. आ. 4299.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्य प्रदेश राज्य के दहेज-वेमार-विजयपुर पाइपलाइन परियोजना तक प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए; ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाने जाने के संबंध में, श्री बी. के. पाठक, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, कैम्प-विजयपुर, जिला-गुना (मध्य प्रदेश) को लिखित रूप में आपेक्ष भेज सकेगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हेक्ट. में)
1	2	3	4	5
गुना	राधोगढ़	बर्या	43	0.11

[फा. सं. एल.-14014/24/05-जी.पी.]

एस. बी. मण्डल, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 9th November, 2005

S.O. 4299.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Dahej-Vemmar-Vijapur pipeline project in the State of Madhya Pradesh, a pipeline should be laid by the GAIL (India) Limited:

And, whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification:

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land)

Act, 1962, (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri V. K. Pathak, Competent Authority, GAIL (India) Limited, Camp-Vijapur, Distt.- Guna, Madhya Pradesh).

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (in Hect.)
1	2	3	4	5
Guna	Raghogarh	Barya	43	0.11

[F. No. L-14014/24/05-G.P.]

S. B. MANDAL, Under Secy.

नई दिल्ली, 9 नवम्बर, 2005

का.आ. 4300.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्य प्रदेश राज्य में दहेज से वेमार से विजयपुर परियोजना के माध्यम से प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए; ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाने जाने के संबंध में, श्री पी. एस. कर्मा, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, शाबुआ, (मध्य प्रदेश) को लिखित रूप में आपेक्ष भेज सकेगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हेक्ट. में)
1	2	3	4	5
झाबुआ	झाबुआ	गेलर कला	139/2	0.0500
			140/2	0.1000
			141/2	0.1500
			49/1	0.1500
			50/2	0.0200
			126/1	0.1400
			योग	0.6100

[फा. सं. एल.-14014/24/05-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 9th November, 2005

S.O. 4300.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Deber to Vemar to Vijaipur pipeline project in the State of Madhya Pradesh, a pipeline should be laid by the GAIL (India) Limited;

And, whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification:

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri P. S. Karma, Competent Authority, GAIL (India) Limited, Jhabua, Madhya Pradesh.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (in Hect.)
1	2	3	4	5
Jhabua	Jhabua	Gaylor	139/2	0.0500
		Kalan	140/2	0.1000
			141/2	0.1500
			49/1	0.1500
			50/2	0.0200
			126/1	0.1400
			TOTAL	0.6100

[F.No. L-14014/24/05-G.P.]

S. B. MANDAL, Under Secy.

नई दिल्ली, 9 नवम्बर, 2005

का.आ. 4301.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि तमिलनाडु राज्य में वलन्थरवई गेल टर्मिनल—आरके एनर्जी पाइपलाईन परियोजना द्वारा प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाईन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाईन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाईन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाईन बिछाए जाने के संबंध में, श्री बी. रामाचन्द्रन, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, 4-बी, सेन्चुरी प्लाजा, 560-562, अन्ना सलाई तेयनामपेट, चेन्नई-600018 (तमिलनाडु) को लिखित रूप में आपेक्ष भेज सकेगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. के लिए अर्जित क्षेत्रफल (हेक्ट. में)
1	2	3	4	5
रमनाड	रमनाड	53. वलन्थरवई	203-4 बी/1 सी	0.04.5
			203- 4 बी 2	0.07.0
			203- 2 ए	0.05.0
				जी.पी.
			204- 3 बी	0.06.5
			योग	0.23.0

[फा. सं. एल.-14014/25/05-जी.पी.]

एस.बी. मण्डल, अवर सचिव

New Delhi, the 9th November, 2005

S.O. 4301.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Valantharavai GAIL Terminal to ARKAY Energy pipeline project in the State of Tamilnadu, a pipeline should be laid by the GAIL (India) Limited;

And, whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is

necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri V. Ramachandran, Competent Authority, GAIL (India) Limited, 4-B, Centruy Plaza, 560562, Anna Salai Teynampet, Chennai-600018 (Tamilnadu).

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (in Hect.)
1	2	3	4	5
Ramnad	Ramnad	53. Valantharavai	204-4B/1C	0.04.5
			203-4B 2	0.07.0
			203-2A	0.05.0
			G.P.	
			204-3B	0.06.5
Total				0.23.0

[F. No. L-14014/25/05-G.P.]

S. B. MANDAL, Under Secy.

नई दिल्ली, 9 नवम्बर, 2005

का.आ. 4302.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि तमिलनाडु राज्य में पेरुंगुलम टी.एन.ई.बी.—कोरामण्डल लिमिटेड पाइपलाइन परियोजना द्वारा प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय को घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, श्री वी. रामाचन्द्रन, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, 4-बी, सेन्तुरी प्लाजा, 560-562, अन्ना सलाई तेयनामपेट, चेन्नई (तमिलनाडु) को लिखित रूप में आपेक्ष भेज सकेगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हेक्ट. में)
1	2	3	4	5
रमनाड	रमनाड	53. वलन्थरवई	260-14	0.11.0
			268-2डी	0.00.5
			268-2ई	0.07.0
			268-7	0.03.0
			268-8	0.03.0
			268-10	0.05.5
			268-14बी	0.07.5
			267-4बी	0.03.5
			267-5ए	0.04.0
योग				0.45.0

[फा. सं. एल.-14014/26/05 जी. पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 9th November, 2005

S.O. 4302.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Perungulam TNEB to Coramandel Ltd. pipeline project in the State of Tamilnadu, a pipeline should be laid by the GAIL (India) Limited;

And, whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the

Gazette of India are made available to the general public. object in writing to the laying of the pipeline under the land to Shri V. Ramachandran, Competent Authority. GAIL (India) Limited, 4-B, Century Plaza, 560-562, Anna Salai Teynampet, Chennai-600 018 (Tamilnadu).

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (in Hect.)
1	2	3	4	5
Ramnád	Ramnád	5B, Valantharavai	260-14	0.11.0
			268-2D	0.005
			268-2E	0.07.0
			268-7	0.03.0
			268-8	0.03.0
			268-10	0.05.5
			268-14B	0.07.5
			267-4B	0.03.5
			267-5A	0.04.0
			Total	0.45.0

[F.No. L-14014/26/05-G.P.]

S. B. MANDAL, Under Secy.

नई दिल्ली, 9 नवम्बर, 2005

का.आ. 4303.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि पॉन्डिचेरी केन्द्र शासित प्रदेश में एस.एफ.सी.एल.—वैगई इन्डस्ट्रीज वाया बॉस प्रोफ़ाइल्स पाइपलाइन परियोजना द्वारा प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाने जाने के संबंध में, श्री वी. रामाचन्द्रन, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, 4-बी, सेन्चुरी प्लाजा,

560-562, अन्ना सलाई तेयनामपेट, चेन्नई-600 018 (तमिलनाडु) को लिखित रूप में आपेक्ष भेज सकेगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हेक्ट. में)
1	2	3	4	5
कराईकल	कराईकल	16.सोराकुडी	253	0.21.0
			254-1	0.16.0
			254-2 A	0.14.0
			254-2 B	0.04.0
			259	0.01.0 G.P.
			260	0.01.0 G.P.
			258-1C	0.08.0
			258-2A	0.01.0
			258-2B	0.19.0
			218-2	0.07.0
			218-3	0.01.0
			218-5	0.08.0
			218-6	0.01.0 G.P.
			215-1	0.01.0 G.P.
			215-3	0.01.0
			215-4A	0.04.0
			215-4B	0.04.0
			219-1 A	0.05.0
			220-1	0.02.5
			220-2	0.06.0
			220-3	0.06.0
			220-5A	0.02.5
			220-6A	0.02.0
			220-6B	0.02.5
			221-2	0.02.0
			221-3	0.02.0
			221-5	0.01.5
			221-6	0.04.5
			221-7	0.01.0
			221-8	0.01.0
			221-9	0.03.0 G.P.
			221-17	0.02.0
			221-18	0.11.0
			225-4	0.01.0 G.P.
			225-5	0.06.5
			225-7	0.05.0
			224	0.03.0 G.P.
			186-1	0.09.0

1	2	3	4	5	1	2	3	4	5
कराइकल	कराइकल	16.सोराकुडी	186-2	0.08.0	कराइकल	कराइकल	22.सुब्बाय्यापुरम	16-7	0.06.5
			186-4	0.08.0				16-8	0.02.0
			185-6	0.01.5 G.P.				17-1	0.02.0 G.P.
			185-7	0.10.5				17-1A1	0.03.5
			185-8	0.07.0				17-2A2	0.03.0
			187-3	0.01.0 G.P.				17-2B	0.01.5
			184-1	0.06.5				18-1	0.07.0
			184-2	0.02.0 G.P.				18-2	0.21.0
			184-3	0.04.0				18-3	0.00.5
			184-6B	0.03.0				18-4	0.01.0
			182-1	0.01.0 G.P.				19-2	0.14.0
			182-2	0.04.5				6-1A	0.06.0
			182-3	0.07.0				6-1B	0.06.0
			182-5	0.04.0				6-1C	0.05.5
			182-6A	0.06.0				6-2	0.02.5 G.P.
			182-6B	0.03.0				योग	1.15.0
			153-2	0.13.0	कराइकल	कराइकल	15.मेलकासाकुडी	86-1	0.11.0
			154-1	0.03.5 G.P.				86-2	0.03.0 G.P.
			154-2A	0.17.5				86-3	0.02.0 G.P.
			151-9	0.04.0				86-4	0.01.0 G.P.
			157-1	0.03.0 G.P.				85-2	0.01.0 G.P.
			157-2A	0.17.0				85-4	0.01.5
			158	0.04.0 G.P.				85-5	0.01.0 G.P.
			159	0.04.0 G.P.				84-4	0.01.5 G.P.
			160-1	0.16.5				84-5	0.09.0
			161	0.02.0 G.P.				87-1	0.21.0
			163-2	0.11.5				87-2	0.01.5
			163-3	0.03.5 G.P.				81-1	0.32.0
			163-4	0.01.0 G.P.				81-2	0.02.0
			164-1	0.07.0				80-1	0.07.0
			164-6	0.01.0 G.P.				80-2	0.05.0
			योग	3.76.5				73	0.09.0
कराइकल	कराइकल	22.सुब्बाय्यापुरम	13-1	0.07.0				72-3	0.17.0
			13-9	0.01.0 G.P.				71	0.02.0 G.P.
			13-10A	0.01.0				64-4	0.13.0
			13-10B	0.04.0				63-1	0.04.0
			13-10C	0.01.0				66-2A	0.29.0
			13-10D	0.05.5				29-1	0.16.0
			13-11	0.01.5				29-4	0.09.0
			13-14	0.01.5				29-5	0.01.0 G.P.
			16-1	0.04.0				22-9	0.05.0
			16-3	0.02.0 G.P.				22-10	0.01.0 G.P.
			16-4	0.04.5				21	0.02.5 G.P.
								32-1	0.29.0
								89	0.02.0 G.P.
								योग	2.39.0

[फा. सं. एल.-14014/27/'05-जी. पी.]

एस.बी. मण्डल, अपर सचिव

New Delhi, the 9th November, 2005

S.O. 4303.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through SFCL to Vaigai Industries via Boss Profiles pipeline project in Union Territory of Pondicherry, a pipeline should be laid by the GAIL (India) Limited;

And, whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri V. Ramachandran, Competent Authority, GAIL (India) Limited, 4-B, Century Plaza, 560-562, Anna Salai Teynampet, Chennai-600 018 (Tamilnadu).

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (in Hect.)
1	2	3	4	5
Karaikal	Karaikal	16, Sorakudy	253	0.21.0
			254-1	0.16.0
			254-2 A	0.14.0
			254-2 B	0.04.0
			259	0.01.0 G.P.
			260	0.01.0 G.P.
			258-1C	0.08.0
			258-2A	0.01.0
			258-2B	0.19.0
			218-2	0.07.0
			218-3	0.01.0
			218-5	0.08.0
			218-6	0.01.0 G.P.
			215-1	0.01.0 G.P.

1	2	3	4	5
Karaikal	Karaikal	16, Sorakudy	215-3	0.91.0
			215-4A	0.04.0
			215-4B	0.04.0
			219-1 A	0.05.0
			220-1	0.02.5
			220-2	0.06.0
			220-3	0.06.0
			220-5A	0.02.5
			220-6A	0.02.0
			220-6B	0.02.5
			221-2	0.02.0
			221-3	0.02.0
			221-5	0.01.5
			221-6	0.04.5
			221-7	0.01.0
			221-8	0.01.0
			221-9	0.03.0 G.P.
			221-17	0.02.0
			221-18	0.11.0
			225-4	0.01.0 G.P.
			225-5	0.06.5
			225-7	0.05.0
			224	0.03.0 G.P.
			186-1	0.09.0
			186-2	0.08.0
			186-4	0.08.0
			185-6	0.01.5 G.P.
			185-7	0.10.5
			185-8	0.07.0
			187-3	0.01.0 G.P.
			184-1	0.06.5
			184-2	0.02.0 G.P.
			184-3	0.04.0
			184-6B	0.03.0
			182-1	0.01.0 G.P.
			182-2	0.04.5
			182-3	0.07.0

1	2	3	4	5	1	2	3	4	5
Karaikal	Karaikal	16. Sorakudy	182-5	0.04.0	Karaikal	Karaikal	22. Subbaraya-	17-2B	0.01.5
			182-6A	0.06.0			puram	18-1	0.07.0
			182-6B	0.03.0				18-2	0.21.0
			153-2	0.13.0				18-3	0.00.5
			154-1	0.03.5 G.P.				18-4	0.01.0
			154-2A	0.17.5				19-2	0.14.0
			151-9	0.04.0				6-1A	0.06.0
			157-1	0.03.0 G.P.				6-1B	0.06.0
			157-2A	0.17.0				6-1C	0.05.5
			158	0.04.0 G.P.				6-2	0.02.5 G.P.
			159	0.04.0 G.P.				TOTAL	1.15.0
			160-1	0.16.5			15. Melakasa-	86-1	0.11.0
			161	0.02.0 G.P.			Kudy	86-2	0.03.0 G.P.
			163-2	0.11.5				86-3	0.02.0 G.P.
			163-3	0.03.5 G.P.				86-4	0.01.0 G.P.
			163-4	0.01.0 G.P.				85-2	0.01.0 G.P.
			164-1	0.07.0				85-4	0.01.5
			164-6	0.01.0 G.P.				85-5	0.01.0 G.P.
			TOTAL	3.76.5				84-4	0.01.5 G.P.
								84-5	0.09.0
		22. Subbaraya-	13-1	0.07.0				87-1	0.21.0
		puram						87-2	0.01.5
			13-9	0.01.0 G.P.				81-1	0.32.0
			13-10A	0.01.0				81-2	0.02.0
			13-10B	0.04.0				80-1	0.07.0
			13-10C	0.01.0				80-2	0.05.0
			13-10D	0.05.5				73	0.09.0
			13-11	0.01.5				72-3	0.17.0
			13-14	0.01.5				71	0.02.0 G.P.
			16-1	0.04.0				64-4	0.13.0
			16-3	0.02.0 G.P.				63-1	0.04.0
			16-4	0.04.5				66-2A	0.29.0
			16-7	0.06.5				29-1	0.16.0
			16-8	0.02.0				29-4	0.09.0
			17-1	0.02.0 G.P.				29-5	0.01.0 G.P.
			17-1A1	0.03.5				22-9	0.05.0
			17-2A2	0.03.0				22-10	0.01.0 G.P.

1	2	3	4	5	1	2	3	4	5
Karaikal Karaikal Subbaraya-	21	0.02.5 G.P.			कराइकल थिरुनल्लर 15. मेलका	37-2		0.21.0	
puram	32-1	0.29.0			साकुडी	37-3		0.09.0	
	89	0.02.0 G.P.				38-9		0.02.0	
	TOTAL	2.39.0				39-1		0.14.0	
	[F. No. L-14014/27/05-G.P.]					39-5		0.01.0 G.P.	
	S. B. MANDAL. Under Secy.					57-4		0.03.0	
	नाई दिल्ली, 9 नवम्बर, 2005					55-1		0.11.0	
का.आ. 4304.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि पॉन्डिचेरी केन्द्र शासित प्रदेश में वैगई इन्डस्ट्रीज़—कराइकल क्लोराइड पाइपलाईन परियोजना द्वारा प्राकृतिक गैस के परिवहन के लिए गेस (इण्डिया) लिमिटेड द्वारा एक पाइपलाईन बिछाई जानी चाहिए;						55-2		0.05.0	
और केन्द्रीय सरकार को उक्त पाइपलाईन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाईन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;						54-1		0.01.5 G.P.	
अतः, अब, केन्द्रीय सरकार, पेट्रोलिएम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;						54-2		0.15.5	
कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाईन बिछाए जाने के संबंध में, श्री बी. रामाचन्द्रन, सक्षम प्राधिकारी, गेस (इण्डिया) लिमिटेड, 4-बी, सेन्टुरी प्लाजा, 560-562, अन्ना सलाई, तेयनामपेट, चेन्नई - 600 018 (तमिलनाडु) को लिखित रूप में आपेक्ष भेज सकेगा।						162-1		0.01.0G.P.	
						162-2		0.58.0	
						167-1		0.01.0G.P.	
						167-2		0.09.5	
						167-3		0.04.0	
						168-1		0.04.5	
						168-2		0.03.5	
						168-3		0.02.0	
						168-4		0.03.0	
						168-7		0.03.0	
						169		0.03.5 G.P.	
						170-2		0.03.0	
						171-1		0.12.0	
						175-1		0.01.0 G.P.	
						175-3		0.04.5	
						175-6		0.21.0	
						175-5		0.07.0	
						234-1A		0.14.0	
						234-1B		0.15.0	
						230		0.01.0 G.P.	
						231		0.01.5 G.P.	
						227-1A		0.13.5	
						227-2		0.07.0	
						227-4		0.01.0 G.P.	
						योग		3.01.5	
1	2	3	4	5					
कराइकल थिरुनल्लर 15. मेलका	32-1	0.21.0							
साकुडी	31-3	0.01.5							
	37-1	0.01.5							

New Delhi, the 9th November, 2005

S.O. 4304.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Vaigai Industries to Karaikal Chloride Pipeline Project in Union Territory of Pondicherry, a pipeline should be laid by the GAIL (India) Limited;

And, whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri V. Ramachandran, Competent Authority, GAIL (India) Limited, 4-B, Century Plaza, 560-562, Anna Salai Teynampet, Chennai-600 018 (Tamilnadu).

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (in Hect.)
1	2	3	4	5
Karaikal	Thirunallar	Melka-sakudy	32-1	0.21.0
			31-3	0.01.5
			37-1	0.01.5
			37-2	0.21.0
			37-3	0.09.0
			38-9	0.02.0
			39-1	0.14.0
			39-5	0.01.0G.P.
			57-4	0.03.0
			55-1	0.11.0

1	2	3	4	5
Karaikal Thirunallar Melka-sakudy	55-2			0.05.0
	54-1			0.01.5G.P.
	54-2			0.15.5
	162-1			0.01.0G.P.
	162-2			0.58.0
	167-1			0.01.0G.P.
	167-2			0.09.5
	167-3			0.04.0
	168-1			0.04.5
	168-2			0.03.5
	168-3			0.02.0
	168-4			0.03.0
	168-7			0.03.0
	169			0.03.5 G.P.
	170-2			0.03.0
	171-1			0.12.0.
	175-1			0.01.0 G.P.
	175-3			0.04.5
	175-6			0.21.0
	175-5			0.07.0
	234-1A			0.14.0
	234-1B			0.15.0
	230			0.01.0 G.P.
	231			0.01.5 G.P.
	227-1A			0.13.5
	227-2			0.07.0.
	227-4			0.01.0 G.P.
TOTAL				3.01.5

[F. No. L-14014/28/05-G.P.]

S. B. MANDAL, Under Secy.

नई दिल्ली, 9 नवम्बर, 2005

का.आ. 4305.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि उत्तर प्रदेश राज्य में थुलेण्डी-फूलपुर पाइपलाइन परियोजना द्वारा प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उप-धारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाने जाने के संबंध में, श्री रामवतार पाल, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, बी-35 एवं 36, सेक्टर-1, नोएडा, जिला-गौतम बुद्ध नगर-201301 (उत्तर प्रदेश) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हेक्ट. में)
1	2	3	4	5
राय बरेली सदर	बावन बुजुर्ग	1661		0.0271
	योग			0.0271

[फा. सं. एल.-14014/4/05-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 9th November, 2005

S.O. 4305.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Thulendi to Phoolpur Pipeline Project in the State of Uttar Pradesh, a pipeline should be laid by the GAIL (India) Limited;

And, whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under

which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification:

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under Sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri Ramavatar Pal, Competant Authority, GAIL (India) Limited, B-35 & 36, Sector-1, Noida, Gautam Buddha Nagar-201107 (Uttar Pradesh)

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (in Hect.)
1	2	3	4	5
Rai Bareilly	Sadar	Bawan Bujurg	1661	0.0271
Total				0.0271

[F. No. L-14014/4/05-G.P.]

S. B. MANDAL, Under Secy.

नई दिल्ली, 9 नवम्बर, 2005

का.आ. 4306.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि उत्तर प्रदेश राज्य में थुलेण्डी-फूलपुर पाइपलाइन परियोजना द्वारा प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ

साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाईन बिछाने जाने के संबंध में, श्री रामवतार पाल, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, बी-35 एवं 36, सेक्टर-1, नोएडा, जिला-गौतम बुद्ध नगर-201301 (उत्तर प्रदेश) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हेक्ट. में)
1	2	3	4	5
प्रतापगढ़	सदर	कुशाही	116	0.0097
			योग	0.0097
प्रतापगढ़	सदर	मानी उपमरपुर	981/1459	0.0100
			योग	0.0100

[फा. सं. एल.-14014/4/05-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 9th November, 2005

S.O. 4306.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Thulendi to Phoolpur Pipeline Project in the State of Uttar Pradesh, a pipeline should be laid by the GAIL (India) Limited;

And, whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification:

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under Sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri Ramvatar Pal, Competent Authority, GAIL (India) Limited, B-35 & 36, Sector-1, Noida, Ghatam Buddha Nagar-201107 (Uttar Pradesh)

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (in Hect.)
1	2	3	4	5
Pratap-garh	Sadar	Kushahi	116	0.0097
			Total	0.0097

1	2	3	4	5
Pratap-garh	Sadar	Mani Umarpur	981/1459	0.0100
			Total	0.0100

[F. No. L-14014/4/05-G.P.]

S. B. MANDAL, Under Secy.

नई दिल्ली, 9 नवम्बर, 2005

का.आ. 4307.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि उत्तर प्रदेश राज्य में थुलेण्डी-फूलपुर पाइपलाईन परियोजना द्वारा प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाईन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाईन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाईन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितवद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाईन बिछाने जाने के संबंध में, श्री रामवतार पाल, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, बी-35 एवं 36, सेक्टर-1, नोएडा, जिला गौतम बुद्ध नगर 201301 (उत्तर प्रदेश) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हेक्ट. में)
1	2	3	4	5
इलाहाबाद	फूलपुर	धुसरा	51	0.1125
			योग	0.1125
इलाहाबाद	फूलपुर	अहिराइन	136	0.0245
			136/481	0.0050
			योग	0.0295

[फा. सं. एल.-14014/4/05-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 9th November, 2005

S.O. 4307.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Thulendi to Phoolpur pipeline project in the State of Uttar Pradesh, a pipeline should be laid by the GAIL (India) Limited;

And, whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification:

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri Ramavatar Pal, Competent Authority, GAIL (India) Limited, B-35, & 36, Sector-I, Noida, Gautam Buddha Nagar-201 107 (Uttar Pradesh)

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (in Hect.)
1	2	3	4	5
Allaha-	Phoolpur	Dhusra	51	0.1125
bad			Total	0.1125
-do-	-do-	Ahiraia	136	0.0245
			136/481	0.0050
			Total	0.0295

[F. No. L-14014/4/05-G.P.]

S. B. MANDAL, Under Secy.

ई दिल्ली, 9 नवम्बर, 2005

का.आ. 4308 .—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 769(अ) तारीख 30-5-2005 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गैल (इण्डिया) लिमिटेड द्वारा मध्य प्रदेश

राज्य में कैलारस-मालनपुर स्पर पाइपलाइन परियोजना के माध्यम से आर.-एल.एन.जी. के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग का अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियाँ जनता को तारीख 25-6-2005 तक उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के संबंध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और सक्षम प्राधिकारी ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित हैं, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निर्देश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, पाइपलाइन बिछाने का प्रस्ताव करने वाली गैल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग के अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त, गैल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. के लिए अर्जित क्षेत्रफल (हेक्टर में)
1	2	3	4	5
मुरैना	जौरा	बुढेरा	473	0.09
			474	0.20
			483	0.09
			475	0.01
			482	0.03
			484	0.03
			486	0.10
			487	0.14
			488	0.01
			489	0.05
			491	0.14

1	2	3	4	5	1	2	3	4	5
मुरैना	जौरा	बुढेरा	498	0.06	मुरैना	जौरा	अगरौता	204	0.14
			503	0.05				195	0.24
			501	0.01				194	0.02
			502	0.16				191/1	0.19
			508	0.01				189	0.01
			510	0.04				186	0.02
			509	0.14				185	0.11
			511	0.05				184	0.03
			512	0.07				183	0.10
			513	0.15				182	0.11
			514	0.09				180	0.01
			527	0.01				178	0.01
			428	0.01				179	0.19
			427	0.11				174	0.10
			426	0.27				173	0.05
			424	0.01				167	0.17
			425	0.21				445	0.25
			410	0.01				442	0.06
			409	0.03				443	0.19
			408	0.06				244	0.01
			406	0.09				254	0.07
			405	0.07				255	0.12
			404	0.05				256	0.19
			387	0.01				269	0.11
			403	0.09				270	0.12
			388	0.05				271	0.07
			389	0.14				272	0.11
			390	0.01				274	0.07
			364	0.01				280	0.04
			358	0.07				275	0.10
			357	0.02				276	0.14
			360	0.10				277	0.12
			352	0.05				370	0.10
			351	0.11				371	0.15
			349	0.17				372	0.16
			347	0.01				378	0.15
			348	0.01				379	0.06
			322	0.06				380	0.04
			620	0.05				391	0.10
			621	0.17				393	0.11
			622	0.01				394	0.10
			630	0.17				योग	4.23
			628	0.08	मुरैना	जौरा	मानपुर बल्ला	2	0.04
			629	0.03				6	0.12
			711	0.09				7	0.08
			721	0.14				8	0.06
			737	0.18				9	0.07
			738	0.08				10	0.09
			741	0.07				15	0.01
			749	0.08				11	0.15
			750	0.13				12	0.01
			752	0.12				292	0.26
			योग	4.96				293	0.10

1	2	3	4	5	1	2	3	4	5	
मुरैना	जौरा	भोपालपुर	बल्ला	294	0.26	मुरैना	जौरा	नरहेला	30	0.14
				304	0.01				4	0.04
				295	0.05				23	0.05
				302	0.06				8म	0.08
				301	0.08				9म	0.22
				299	0.01				10	0.01
				300	0.08				19	0.14
				355	0.23				18	0.07
				358	0.07				16म	0.04
				481	0.05				13	0.01
				480	0.15				15	0.03
				483	0.03				14म	0.07
				485	0.06				94म	0.25
				507	0.01				योग	1.15
				506	0.02					
				505	0.14					
				502	0.15	मुरैना	जौरा	अलापुर	884म	0.20
				500	0.18				879	0.10
				581	0.01				883	0.07
				582	0.11				881	0.07
				583	0.01				880	0.01
				602	0.08				882	0.02
				604	0.01				886म	0.01
				600	0.17				898	0.03
				603	0.19				886	0.01
				596	0.15				897	0.10
				594म	0.16				896	0.01
				635	0.01				894	0.01
				648	0.07				1863म	0.09
				647	0.08				1862	0.01
				657	0.11				1861	0.03
				656	0.04				1859	0.02
				योग	3.83				1857	0.09
मुरैना	जौरा	भोपालपुर		206	0.02				1856	0.07
				203	0.01				1855म	0.09
				202	0.21				1854	0.01
				250	0.11				1934म	0.13
				248	0.14				1935म	0.06
				257म	0.32				1932म	0.20
				262	0.05				1929म	0.16
				260	0.28				1928	0.11
				261	0.11				1927	0.01
				298	0.11				1925	0.08
				297	0.01				1924	0.09
				300/327	0.01				1978म	0.10
				300	0.16				1980	0.01
				302	0.09				1981	0.11
				301म	0.04				1983	0.05
				303	0.01				1982	0.17
				323	0.01				1980	0.03
				322	0.11				1993	0.01
				319म	0.10				1994	0.01
				316म	0.06				1996	0.11
				317	0.13				1995	0.18
				318	0.01					
				313	0.01					
				312	0.02					
				योग	2.13					

1	2	3	4	5	1	2	3	4	5
मुरैना	जौरा	अलापुर	2043	0.07	मुरैना	जौरा	मलिकपुर	68	0.07
			2045	0.14				69	0.02
			2056	0.07				70	0.09
			2052	0.01				71	0.02
			2053म	0.12				72	0.07
			2054	0.24				73	0.04
			2095	0.01				74	0.01
			1685	0.05				75	0.09
			1682	0.17				76	0.05
			1679	0.01				योग	0.80
			1680	0.13			गणेशपुर	68	0.03
			1681	0.19				67	0.06
			1638	0.15				69	0.03
			1637	0.07				70	0.04
			1640	0.01				71	0.03
			1642	0.25				74	0.04
			1632	0.07				75	0.05
			1631	0.19				76	0.06
			1645	0.01				77	0.04
			1630	0.22				84	0.11
			1629	0.04				82	0.07
			1626	0.07				83	0.04
			1625म	0.07				495	0.01
			योग	5.00				496	0.06
		मुदावली	405	0.18				494	0.12
			404	0.06				493	0.05
			80	0.06				492	0.07
			137	0.05				491	0.01
			138	0.15				475	0.08
			208	0.08				474	0.02
			209	0.05				509	0.07
			207	0.09				473	0.07
			204	0.23				471	0.03
			203	0.03				472	0.14
			193	0.12				437	0.09
			194	0.06				435	0.04
			195	0.03				436	0.07
			196	0.03				438	0.03
			200	0.01				433	0.04
			197	0.08				430	0.09
			165	0.01				429	0.13
			198	0.01				419	0.01
			165/982	0.08				428	0.06
			164	0.13				426	0.07
			163	0.15				420	0.05
			161	0.07				योग	2.01
			162	0.03					
			235	0.12	मुरैना	जौरा	मैनाबसई	479म	0.26
			योग	1.91				477	0.08
								474	0.03
								476	0.08
								472	0.06
								470	0.05
		मलिकपुर	60	0.11					
			65	0.11					
			66	0.12					

1	2	3	4	5	1	2	3	4	5
मुरैना	जौरा	मैनाबसई	469	0.03	मुरैना	जौरा	मैनाबसई	1213	0.10
			468	0.05				1212	0.16
			467	0.03				1209	0.25
			420	0.01				1206	0.24
			421	0.02				1339म	0.01
			422	0.01				1349म	0.21
			464	0.05				1350म	0.23
			462	0.08				1351	0.02
			461	0.08				1396	0.08
			441	0.11				1395म	0.09
			443	0.01				1394	0.29
			398म	0.38				1374	0.08
			280म	0.09				1375म	0.49
			281	0.10				1816म	0.06
			282	0.14				1823	0.45
			289	0.02				1837	0.21
			291	0.02				1842	0.11
			292	0.01				1843	0.19
			290	0.07				1866	0.12
			336	0.12				1865	0.02
			337	0.02				1864	0.13
			334	0.08				1903म	0.21
			327	0.10				1900	0.15
			329	0.01				1901	0.01
			323	0.15				1899	0.02
			322	0.02				1902	0.08
			316	0.21				1909म	0.36
			315म	0.05				1911म	0.36
			1072	0.20				1919म	0.37
			1066	0.12				1918म	0.37
			1065	0.10				1917म	0.34
			1063	0.08				1915म	0.70
			1062म	0.06				योग	11.68
			1060	0.09					
			1061	0.01					
			1059	0.04			गैपरा	592	0.03
			1058	0.08				593	0.15
			1265	0.16				656	0.02
			1266	0.07				योग	0.20
			1271	0.30					
			1277	0.11			काशीपुर	2	0.11
			1278	0.13				3	0.09
			1310म	0.02				4	0.03
			1253	0.11				28	0.01
			1311	0.18				29	0.10
			1312	0.09				30	0.03
			1313	0.10				33	0.29
			1314	0.11				35	0.01
			1232	0.17				37	0.03
			1216	0.09				38	0.27
			1215	0.11				39	0.06
			1325	0.01				योग	1.03

[illegible]

1	2	3	4	5
मुरैना	जौरा	चिरायतनी	1034/3	0.06
			1034/4	0.02
			1035/1	0.01
			1035/2	0.05
			1035/3	0.08
			1035/4	0.01
			1035/5	0.01
			1036म	0.21
			971/1	0.01
			968	0.09
			योग	2.08
मुरैना	जौरा	हथरिया	1	0.02
			224	0.01
			223	0.01
			184	0.04
			220	0.02
			228	0.01
			229	0.01
			230	0.05
			233	0.06
			232	0.01
			212	0.06
			213	0.01
			206	0.02
			205	0.02
			204	0.04
			207	0.01
			266	0.01
			267	0.17
			268	0.02
			269	0.15
			299	0.05
			298	0.05
			301	0.05
			310	0.05
			312	0.07
			313	0.02
			322	0.08
			324	0.06
			328	0.08
			332	0.05
			334	0.05
			335	0.02
			344	0.01
			345	0.05
			347	0.01
			346	0.06
			348	0.04
			350	0.06
			549	0.14
			550	0.11
			551	0.08
			554	0.03
			553	0.08
			552	0.01

1	2	3	4	5
मुरैना	जौरा	पृथ्वीपुरा	555	0.01
		(जारी)	584	0.08
			583	0.11
			582	0.13
			557	0.01
			581	0.09
			593	0.09
			594	0.12
			596	0.09
			595	0.07
			597	0.04
			630	0.01
			627	0.05
			628	0.15
			624	0.01
			623	0.06
			1408/1867	0.07
			1408	0.07
			1409	0.09
			1418	0.01
			1410	0.08
			1417	0.01
			1414	0.05
			1413	0.10
			1412	0.10
			1344	0.12
			1343	0.01
			1457	0.03
			1456	0.16
			1455	0.10
			1454	0.04
			1453	0.01
			1511	0.09
			1510	0.01
			1514	0.01
			1515	0.09
			1531	0.01
			1517	0.21
			1530	0.11
			1520	0.01
			1529	0.01
			1521	0.13
			1522	0.16
			1525	0.01
			1523	0.14
			योग	5.22
		नूरपुर	558	0.01
			559	0.20
			563	0.21
			564	0.01
			567	0.11

1	2	3	4	5
		(नूरपुर)	568	0.12
		(जारी)	566	0.01
			571	0.12
			572	0.02
			573	0.01
		योग		0.82
	सुमावली	2091		0.22
		2089		0.01
		2092		0.04
		2093		0.21
		2095		0.10
		2096		0.11
		2098		0.10
		2100		0.01
		2101		0.06
		2105		0.15
		2108		0.03
		2111म		0.12
		2112		0.06
		2118		0.12
		2127		0.01
		2128		0.11
		2129म		0.06
		2130म		0.03
		2131		0.07
		2132		0.02
		2133		0.10
		2136		0.02
		2134		0.05
		2168		0.07
		2143		0.01
		2167		0.10
		2160		0.09
		2161		0.06
		2159		0.07
		2158		0.18
		2157		0.05
		2150		0.12
		2156		0.02
		2153		0.12
		2154		0.01
		2155		0.04
		2653		0.03
		2654		0.07
		2655		0.01
		2657		0.12
		2658		0.06
		2659		0.06
		2672		0.09
		योग		3.19

[पत्र. सं. एल.-14014/14/05-जी. पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 9th November, 2005

S.O. 4308 Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas Numner S.O. 769 (E) dated 30-05-2005 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transport of R-LNG through Kailaras-Malanpur spur pipeline project in the State of Madhya Pradesh by the GAIL (India) Limited;

And whereas copies of the said Gazette notification were made available to the public on the 25-06-2005;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the Competent Authority;

And whereas the Competent Authority has, under sub-section (1) of section 6 of the said Act, submitted its report to the Central Government;

And Whereas the Central Government has, after considering the said report, decided to acquire the Right of User in the lands specified in the Schedule:

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedule is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on this date of the publication of the declaration, in the GAIL (India) Limited, free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (in Hectare)
1	2	3	4	5
Morena	Joura	Budera	473	0.09
			474	0.20
			483	0.09
			475	0.01
			482	0.03
			484	0.03
			486	0.10
			487	0.14
			488	0.01
			489	0.05
			491	0.14
			498	0.06

1	2	3	4	5	1	2	3	4	5
Morena Joura	Manpur- balla	304		0.01	Morena Joura	Bhopatpur	318		0.01
		295		0.05			313		0.01
		302		0.06			312		0.02
		301		0.08			Total		2.13
		299		0.01		Narhela	30		0.14
		300		0.08			4		0.04
		355		0.23			23		0.05
		358		0.07			8M		0.08
		481		0.05			9M		0.22
		480		0.15			10		0.01
		483		0.03			19		0.14
		485		0.06			18		0.07
		507		0.01			16M		0.04
		506		0.02			13		0.01
		505		0.14			15		0.03
		502		0.15			14M		0.07
		500		0.18			94M		0.25
		581		0.01			Total		1.15
		582		0.11		Allapur	884M		0.20
		583		0.01			879		0.10
		602		0.08			883		0.07
		604		0.01			881		0.07
		600		0.17			880		0.01
		598		0.19			882		0.02
		596		0.15			886M		0.01
		594M		0.16			898		0.03
		635		0.01			886		0.01
		648		0.07			897		0.10
		647		0.08			896		0.01
		657		0.11			894		0.01
		656		0.04			1863M		0.09
		Total		3.83			1862		0.01
	Bhopatpur	206		0.02			1861		0.03
		203		0.01			1859		0.02
		202		0.21			1857		0.09
		250		0.11			1856		0.07
		248		0.14			1855M		0.09
		257M		0.32			1854		0.01
		262		0.05			1934M		0.13
		260		0.28			1935M		0.06
		261		0.11			1932M		0.20
		298		0.11			1929M		0.16
		297		0.01			1928		0.11
		300/327		0.01			1927		0.01
		300		0.16			1925		0.08
		302		0.09			1924		0.09
		301M		0.4			1978M		0.10
		303		0.01			1980		0.01
		323		0.01			1981		0.11
		322		0.11			1983		0.05
		319M		0.10			1982		0.17
		316M		0.06			1999		0.03
		317		0.13					

1	2	3	4	5	1	2	3	4	5
Morena Joura	Allapur	1993		0.01	Morena Joura	Malikpur	60		0.11
		1994		0.08			65		0.11
		1996		0.13			66		0.12
		1995		0.06			68		0.07
		2043		0.07			69		0.02
		2045		0.14			70		0.09
		2056		0.07			71		0.02
		2052		0.01			72		0.07
		2053M		0.12			73		0.04
		2054		0.24			74		0.01
		2095		0.01			75		0.09
		1685		0.05			76		0.05
		1682		0.17					
		1679		0.01			Total		0.80
		1680		0.13					
		1681		0.19	Morena Joura	Ganeshpur	68		0.03
		1638		0.15			67		0.06
		1637		0.07			69		0.03
		1640		0.01			70		0.04
		1642		0.25			71		0.03
		1632		0.07			74		0.04
		1631		0.19			75		0.05
		1645		0.01			76		0.06
		1630		0.22			77		0.04
		1629		0.04			84		0.11
		1626		0.07			82		0.07
		1625M		0.07			83		0.04
		Total		5.00			493		0.01
Morena Joura	Mudavali	405		0.18			496		0.06
		404		0.06			494		0.12
		80		0.06			493		0.05
		137		0.05			492		0.07
		138		0.15			491		0.01
		208		0.08			475		0.08
		209		0.05			474		0.02
		207		0.09			509		0.07
		204		0.23			473		0.07
		203		0.03			471		0.03
		193		0.12			472		0.14
		194		0.06			437		0.09
		195		0.03			435		0.04
		196		0.03			436		0.07
		200		0.01			438		0.03
		197		0.08			433		0.04
		165		0.01			430		0.09
		198		0.01			429		0.13
		165/982		0.08			419		0.01
		164		0.13			428		0.06
		163		0.15			426		0.07
		161		0.07			420		0.05
		162		0.03					
		235		0.12			Total		2.01
		Total		1.91					

1	2	3	4	5
Morena Joura	Mainabasai	479M		0.26
		477		0.08
		474		0.03
		476		0.08
		472		0.06
		470		0.05
		469		0.03
		468		0.05
		467		0.03
		420		0.01
		421		0.02
		422		0.01
		464		0.05
		462		0.08
		461		0.08
		441		0.11
		443		0.01
		398M		0.38
		280M		0.09
		281		0.10
		282		0.14
		289		0.02
		291		0.02
		292		0.01
		290		0.07
		336		0.12
		337		0.02
		334		0.08
		327		0.10
		329		0.01
		323		0.15
		322		0.02
		316		0.21
		315M		0.05
		1072		0.20
		1066		0.12
		1065		0.10
		1063		0.08
		1062M		0.06
		1060		0.09
		1061		0.01
		1059		0.04
		1058		0.08
		1265		0.16
		1266		0.07
		1271		0.30
		1277		0.11
		1278		0.13
		1310M		0.02
		1253		0.11
		1311		0.18
		1312		0.09
		1313		0.10
		1314		0.11

1	2	3	4	5
Morena Joura	Mainabasai	1232		0.17
		1216		0.09
		1215		0.11
		1325		0.01
		1213		0.10
		1212		0.16
		1209		0.25
		1206		0.24
		1339M		0.01
		1349M		0.21
		1350M		0.23
		1351		0.02
		1396		0.08
		1395M		0.09
		1394		0.29
		1374		0.08
		1375M		0.49
		1816M		0.06
		1823		0.45
		1837		0.21
		1842		0.11
		1843		0.19
		1866		0.12
		1865		0.02
		1864		0.13
		1903M		0.21
		1900		0.15
		1901		0.01
		1899		0.02
		1902		0.08
		1909M		0.36
		1911M		0.36
		1919M		0.37
		1918M		0.37
		1917M		0.34
		1915M		0.70
		Total		11.68
Morena Joura		592		0.03
		593		0.15
		656		0.02
		Total		0.20
Morena Joura	Kashipur	2		0.11
		3		0.09
		4		0.03
		28		0.01
		29		0.10
		30		0.03
		33		0.29
		35		0.01
		37		0.03
		38		0.27
		39		0.06
		Total		1.03

1	2	3	4	5	1	2	3	4	5
Morena Joura	Joura	1128		0.01	Morena Joura	Prithvipura	79		0.08
		1131		0.18			78		0.05
		1130		0.01			77		0.05
		1132M		0.10			76		0.05
		1158		0.05			75		0.03
		Total		0.35			88		0.03
Morena Joura	Dhamkan	22		0.07			89		0.12
		21		0.08			90		0.02
		24		0.06			63		0.04
		19		0.10			62		0.02
		18		0.09			61		0.04
		17		0.06			60		0.03
		45		0.08			59		0.02
		44		0.06			58		0.09
		46		0.01			57		0.05
		43		0.01			47		0.01
		47		0.12			48		0.03
		70		0.13			49		0.07
		71		0.05			45		0.01
		82		0.05			52		0.04
		72		0.01			44		0.17
		81		0.01			30		0.01
		80		0.05			31		0.10
		109		0.01			32		0.08
		111		0.06			33		0.01
		112		0.07			7		0.01
		113		0.03			127		0.13
		128		0.06			131		0.10
		127		0.07			130		0.03
		126		0.09			133		0.14
		120		0.03			134		0.12
		121		0.11			140		0.04
		122		0.05			Total		1.82
		Total		1.62	Morena Joura	Chirayatni	1012		0.14
Morena Joura	Thara	856		0.01			1013		0.07
		858		0.12			1014		0.07
		957		0.16			1015		0.06
		956		0.08			1016		0.07
		958		0.09			1017		0.07
		959		0.01			1018		0.10
		960		0.08			1019		0.20
		962		0.07			1030		0.02
		963		0.14			1020		0.01
		964		0.07			1029		0.12
		947		0.06			1028		0.08
		931		0.02			1027		0.04
		930		0.01			1031		0.13
		929		0.13			1026		0.01
		928		0.03			1025		0.01
		921		0.03			1032/1		0.07
		Total		1.11			1032/2		0.07
							1033		0.14
							1034/2		0.05
							1034/3		0.06

1	2	3	4	5	1	2	3	4	5
Morena Joura	Chirayatni	1034/4		0.02	Morena Joura	Hathariya	555		0.01
		1035/1		0.01			584		0.08
		1035/2		0.05			583		0.11
		1035/3		0.08			582		0.13
		1035/4		0.01			557		0.01
		1035/5		0.01			581		0.09
		1036M		0.21			593		0.09
		971/1		0.01			594		0.12
		968		0.09			596		0.09
		Total		2.08			595		0.07
							597		0.04
Morena Joura	Hathariya	1		0.02			630		0.01
		224		0.01			627		0.05
		223		0.01			628		0.15
		184		0.04			624		0.01
		220		0.02			623		0.06
		228		0.01			1408/1867		0.07
		229		0.01			1408		0.07
		230		0.05			1409		0.09
		233		0.06			1418		0.01
		232		0.01			1410		0.08
		212		0.06			1417		0.01
		213		0.01			1414		0.05
		206		0.02			1413		0.10
		205		0.02			1412		0.10
		204		0.04			1344		0.12
		207		0.01			1343		0.01
		266		0.01			1457		0.03
		267		0.17			1456		0.16
		268		0.02			1455		0.10
		269		0.15			1454		0.04
		299		0.05			1453		0.01
		298		0.05			1511		0.09
		301		0.05			1510		0.01
		310		0.05			1514		0.01
		312		0.07			1515		0.09
		313		0.02			1531		0.01
		322		0.08			1517		0.21
		324		0.06			1530		0.11
		328		0.08			1520		0.01
		332		0.05			1529		0.01
		334		0.05			1521		0.13
		335		0.02			1522		0.16
		344		0.01			1525		0.01
		345		0.05			1523		0.14
		347		0.01			Total		5.22
		346		0.06					
		348		0.04	Morena Joura	Nurpur	558		0.01
		350		0.06			559		0.20
		549		0.14			563		0.21
		550		0.11			564		0.01
		551		0.08			567		0.11
		554		0.03			568		0.12
		553		0.08			566		0.01
		552		0.01			571		0.12

1	2	3	4	5
Morena Joura	Nurpur	572		0.02
		573		0.01
		Total		0.82
Morena Joura	Sumavalli	2091		0.22
		2089		0.01
		2092		0.04
		2093		0.21
		2095		0.10
		2096		0.11
		2098		0.10
		2100		0.01
		2101		0.06
		2105		0.15
		2108		0.03
		2111M		0.12
		2112		0.06
		2118		0.12
		2127		0.01
		2128		0.11
		2129M		0.06
		2130M		0.03
		2131		0.07
		2132		0.02
		2133		0.10
		2136		0.02
		2134		0.05
		2168		0.07
		2143		0.01
		2167		0.10
		2160		0.09
		2161		0.06
		2159		0.07
		2158		0.18
		2157		0.05
		2150		0.12
		2156		0.02
2153		0.12		
2154		0.01		
2155		0.04		
2653		0.03		
2654		0.07		
2655		0.01		
2657		0.12		
2658		0.06		
2659		0.06		
2672		0.09		
		TOTAL		3.19

[F. No. L-14014/14/05-G.P.]

S. B. MANDAL, Under Secy.

नई दिल्ली, 16 नवम्बर, 2005

का.आ. 4309.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2720 एवं का.आ. 2722 तारीख 15-10-2004 और का.आ. संख्या 360(अ) एवं का.आ. 363(अ) तारीख, 21-3-2005 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा उत्तर प्रदेश राज्य में थूलेन्डी से फूलपुर पाइपलाइन परियोजना तक प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियाँ जनता को तारीख 16-05-2005 और 01-09-2005 से 03-09-2005 तक उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के सम्बन्ध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइनें बिछाने के लिए अपेक्षित है, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइनें बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि पाइपलाइनें बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने के बजाय, पाइपलाइनें बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी वित्तीयों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची					1	2	3	4	5
जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हैक्ट. में)	इलाहाबाद	फूलपुर	नसरतपुर		
								107	0.0620
								226	0.0096
								कुल	0.0716
					सोरांव	मनियमरपुर		1224	0.0026
								1228	0.1459
								1185	0.0248
								कुल	0.1733
						बिसनी उर्फ		215	0.0089
						शिकोहाबाद		435	0.1884
								461	0.0154
								566	0.0915
								563	0.0098
								कुल	0.3140
						मदारीपुर		559	0.0664
								602	0.0014
								608	0.0129
								661	0.0051
								532	0.0077
								692	0.0276
								699	0.2507
								755	0.0026
								874	0.0300
								945	0.0108
								943	0.0323
								कुल	0.4475
						सकरामऊ		832	0.1873
								981	0.0123
								1020	0.0586
								कुल	0.2582
						बन्का		606	0.0356
						जलालपुर		782	0.0236
								1146	0.0850
								1123	0.0277
								1204	0.3279
								कुल	0.4998
						अलावलपुर		418	0.0492
								1024	0.0117
								1129	0.0102
								1120	0.0432
								1138	0.0010
								1141	0.0643
								कुल	0.1796
					[फा. सं. एल-14014/4/05-जी. पी. भाग II]				
					एस. बी. मण्डल, अवर सचिव				

New Delhi, the 16th November, 2005

S.O. 4309—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S. O. No.2720 & S.O. No. 2722 dated 15-10-2004 and S.O. No. 360(E) & S.O. No.363(E) dated 21-03-2005 issued under Sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipelines for the transportation of natural gas from Thulendi to Phoolpur pipeline project in the State of Uttar Pradesh by the GAIL (India) Limited;

And whereas copies of the said Gazette notification were made available to the public on 16-05-2005 and 01-09-2005 to 03-09-2005;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority;

And whereas the Competent Authority has, under Sub-section (1) of Section 6 of the said Act, submitted its report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipelines, has decided to acquire the right of user therein.

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipelines shall, instead of vesting in the Central Government, vest, on the date of the publication of the declaration, in the GAIL (India), Limited, proposing to lay the pipelines and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vested in the GAIL (India), free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (In Hectare)
1	2	3	4	5
Allahabad	Phoolpur	Dhusra	36	0.0108
		Total		0.0108
		Aharain	136/784	0.0112
Allahabad	Phoolpur	Dhussa	133	0.2037
		Total		0.2149
		Basoudha	249/542	0.0339
			248	0.0270

1	2	3	4	5
Allahabad	Phoolpur	Basoudha	246	0.0010
			208	0.1865
			240	0.0214
		Total		0.2698
		Saray Hari Kishan	32	0.1067
			156	0.0409
			169	0.0258
		Total		0.1734
		Thardih	69	0.1191
			80	0.1385
			67	0.0621
			209	0.2002
			438	0.1366
			547	0.0777
			545	0.0056
			589	0.0885
			657	0.1806
			673	0.0010
			686	0.0067
			1880	0.0527
		Total		1.0693
		Buapur	459/750	0.0250
			44/748	0.0030
		Total		0.0280
		Mustafabad	77	0.0364
			179	0.2189
		Total		0.2553
		Tulsipatti	98	0.0055
		Total		0.0055
		Bakseda	203	0.0496
			227/136	0.0669
			227	0.0551
			235	0.0078
			739	0.0093
			249	0.0407
			847/747	0.0888
		Total		0.3182
		Nasartpur	107	0.0620
			226	0.0096
		Total		0.0716
Allahabad	Soraon Maniumarpur		1224	0.0026
			1228	0.1459
			1185	0.0248
		Total		0.1733
		Bisani	215	0.0089
		Urf Shikohabad	435	0.1884
			461	0.0154
			566	0.0915
			563	0.0098
		Total		0.3140

1	2	3	4	5
Allahabad	Soraon	Madaripur	559	0.0664
			602	0.0014
			608	0.0129
			661	0.0051
			532	0.0077
			692	0.0276
			699	0.2507
			755	0.0026
			874	0.0300
			945	0.0108
			943	0.0323
			Total	0.4475
		Sakaramau	832	0.1873
			981	0.0123
			1020	0.0586
			Total	0.2582
		Banka Jalalpur	606	0.0356
			782	0.0236
			1146	0.0850
			1123	0.0277
			1204	0.3279
			Total	0.4998
		Alwalpur	418	0.0492
			1024	0.0117
			1129	0.0102
			1120	0.0432
			1138	0.0010
			1141	0.0643
			Total	0.1796

[F. No. L-14014/4/'05-G.P. (Pt.II)]
S. B. MANDAL, Under Secy.

नई दिल्ली, 16 नवम्बर, 2005

का.आ. 4310 .—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2721 एवं का.आ. 2723 तारीख 15-10-2004 और का. आ.359 (अ) एवं का. आ. 362 (अ) तारीख 21-03-2005 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गैल (इण्डिया) लिमिटेड द्वारा उत्तर प्रदेश राज्य में थूलेन्डी से फूलपुर पाइपलाईन परियोजना तक प्राकृतिक गैस के परिवहन के लिये पाइपलाईन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी:

और उक्त राजपत्रित अधिसूचना की प्रतियाँ जनता को तारीख 02-08-2005 से 18-08-2005 तक उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के सम्बन्ध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन् बिछाने के लिए अपेक्षित है, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

और अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि पाइपलाईन बिछाने के लिए, भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने के बजाए पाइपलाईन बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हैक्ट. में)
1	2	3	4	5
प्रतापगढ़	लालगंज	रहतिकार	1187	0.258
			1145	0.0185
			1337	0.1879
			1399	0.1917
			1398	0.0011
			1224	0.2258
			कुल	0.6508
	पुरेमाथादा		191	0.0581
			253	0.1083
			169	0.0885
			कुल	0.2549
	मुस्ताफाबाद		1780	0.0327
			1740	0.0010
			1791	0.1105
			1776	0.0787
कुल	0.2229			

1	2	3	4	5	1	2	3	4	5
प्रतापगढ़	लालगंज	खजूरी	486/660	0.0781	प्रतापगढ़	लालगंज	पूरेनोता	566	0.1241
			427	0.0044				298	0.2689
			499	0.0700				284	0.1717
			कुल	0.1525				306	0.0081
		इतौला	42	0.0060				283	0.0035
			47	0.0189				564	0.0412
			कुल	0.0249				कुल	0.6175
		भेभौरा	126	0.0277			बारी बोझ	738	0.0124
			261	0.0010				751	0.0030
			269	0.0139				294	0.0165
			कुल	0.0426				कुल	0.0319
		उछापुर	400	0.1215			बेल्हा	584	0.0067
			कुल	0.1215				585	0.0229
		मन्डारी	200	0.1114				588	0.0826
			210	0.0092				591	0.0172
			कुल	0.1206				590	0.0014
		मेधावान	766	0.0467				595	0.1154
			772	0.0261				604	0.0106
			726	0.0393				603	0.0318
			कुल	0.1121				602	0.0136
		आजहरा	207	0.0901				610	0.0289
			607	0.0372				647	0.2479
			कुल	0.1273				641	0.0071
		सारनीपुर	673	0.0863				648	0.0114
			557	0.0013				656	0.0297
			567	0.0010				653	0.0030
			569	0.2122				676	0.0055
			773	0.0049				673	0.0019
			678	0.1670				662	0.1223
			737	0.1543				764	0.0300
			736	0.0059				866	0.2806
			743	0.0029				885	0.0095
			564	0.0171				880	0.0117
			551	0.0426				कुल	1.0917
			637	0.0669			रामगढ़ खास	297	0.0356
			674	0.0061				304	0.0656
			677	0.0079				310	0.5590
			777	0.0082				कुल	0.6602
			797	0.0010			लालुपूर	341	0.0518
			809	0.0253				365	0.0246
			कुल	0.8109				449	0.0567
		रूहादा	65	0.0637				कुल	0.1331
			260	0.0185			बैजालपुर	83	0.0064
			288	0.0613				70	0.0247
			258	0.0205				कुल	0.311
			कुल	0.1640					
		कालनपुर	421	0.0716					
			420	0.0632					
			49	0.0024					
			कुल	0.1372					

1	2	3	4	5
प्रतापगढ़ कुन्डा	सराय महासिंह	327	0.1914	
		333	0.0085	
		368	0.4953	
		324	0.0094	
		325	0.0424	
		340	0.0085	
		473	0.0022	
		366	0.0478	
		514	0.1705	
		474	0.0513	
		476	0.2490	
		कुल	1.2763	
	भावनपुर	45	0.0026	
		910	0.5769	
		47	0.0081	
		434	0.0078	
		571	0.0840	
		885	0.0423	
		1810	0.1028	
		49	0.0078	
		50	0.3007	
		435	0.0071	
		902	0.0053	
		913	0.0498	
		912	0.0301	
		911	0.0135	
		910	0.5769	
		1252	0.0182	
		1220	0.0165	
		1219	0.0162	
		955	0.2546	
		1173	0.0029	
		1812	0.1139	
			0.0014	
		1223	0.0254	
		1219	0.0010	
		कुल	2.2658	
	कानुपुर	17	0.1840	
		67	0.0018	
		65	0.0065	
		910	0.0353	
		911	0.5287	
		कुल	0.7563	

1	2	3	4	5
प्रतापगढ़ कुन्डा	महियामऊ	522	0.0101	
		904	0.0196	
		906	0.0030	
		1230	0.0126	
		1231	0.0109	
		1258	0.0830	
		कुल	0.1392	
	खटवारा	289	0.0072	
		587	0.0010	
		कुल	0.0082	
	सदर जेठवारा	2075	0.0550	
		2317	0.0977	
		2321	0.0166	
		2322	0.0010	
		कुल	0.1703	
	जगदीशपुर	279	0.0010	
		348	0.0013	
		313	0.0452	
		कुल	0.0475	
	गौर	600	0.0268	
		100	0.1924	
		590	0.0114	
		कुल	0.2306	
	स्वरूप पुर	89	0.0010	
		कुल	0.0010	
	पूरे बसावनपुर	230	0.0927	
		461	0.0300	
		438	0.0319	
		139	0.0240	
		कुल	0.1786	
	गम्भीरा	1225	0.0776	
		1226	0.0122	
		1076	0.1422	
		1153	0.0244	
		1449	0.0249	
		1251	0.0105	
		1229	0.0010	
		1296	0.0254	
		कुल	0.3182	
	तरौल खास	776	0.1051	
		कुल	0.1051	
	सराय देवराय	753	0.4629	
		1084	0.0379	
		कुल	0.5008	

[फा. सं. एल-14014/4/05-जी.पी. (भाग-II)]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 16th November, 2005

S.G. 4316—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S. O. No. 2721 & No. S.O. 2723 dated 15-10-2004 and No. S.O. 359(E) & No. S.O. 362(E) dated 21-03-2005 issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipelines for the transportation of natural gas through Thulendi to Phoolpur Pipeline Project in the State of Uttar Pradesh by the GAIL (India) Limited;

And whereas copies of the said Gazette notification were made available to the public from 02-08-2005 to 18-08-2005;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the Competent Authority;

And whereas the Competent Authority has, under sub-section (1) of Section 6 of the said Act, submitted its report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipelines, has decided to acquire the right of user therein.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipelines shall, instead of vesting in the Central Government, vest, on the date of the publication of the declaration, in the GAIL (India) Limited, proposing to lay the pipelines and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vested in the GAIL (India), free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (In Hectare)
1	2	3	4	5
Pratapgarh	Lalganj	Rahatkar	1187	0.258
			1145	0.0185
			1337	0.1879
			1399	0.1917

1	2	3	4	5
Pratapgarh	Lalganj	Rahatkar	1398	0.0011
			1224	0.2258
		Total		0.6508
Pure-	mathada		191	0.0581
			253	0.1083
			169	0.0885
		Total		0.2549
Mustafa-	bad		1780	0.0327
			1740	0.0010
			1791	0.1105
			1776	0.0787
		Total		0.2229
Khajuri		486/660		0.0781
		427		0.0044
		499		0.0700
		Total		0.1525
Italia		42		0.0060
		47		0.0189
		Total		0.0249
Bhabhora		126		0.0277
		261		0.0010
		269		0.0139
		Total		0.0426
Uchapur		400		0.1215
		Total		0.1215
Pandari		200		0.1114
		210		0.0092
		Total		0.1206
Medwan		766		0.0467
		772		0.0261
		726		0.0393
		Total		0.1121
Ajhara		207		0.0901
		607		0.0372
		Total		0.1273
Paranipur		673		0.0863
		557		0.0013
		567		0.0010
		569		0.2122
		773		0.0049
		678		0.1670
		737		0.1543
		736		0.0059
	743		0.0029	
	564		0.0171	

1	2	3	4	5	1	2	3	4	5
Pratapgarh Lalganj	Parnipur	551	0.0426		Pratapgarh Lalganj	Belha	673	0.0019	
		637	0.0669				662	0.1223	
		674	0.0061				764	0.0300	
		677	0.0079				866	0.2806	
		777	0.0082				885	0.0095	
		797	0.0010				880	0.0117	
		809	0.0253				Total	1.0917	
		Total	0.8109			Ramgarh-	297	0.0356	
	Ruhada	65	0.0637			khas	304	0.0656	
		260	0.0185				310	0.5590	
		288	0.0613				Total	0.6602	
		258	0.0205			Lalupur	341	0.0518	
		Total	0.1640				365	0.0246	
	Kalanpur	421	0.0716				449	0.0567	
		420	0.0632				Total	0.1331	
		49	0.0024			Baijalpur	83	0.0064	
		Total	0.1372				70	0.0247	
	Purenota	566	0.1241				Total	0.311	
		298	0.2689			Kunda	327	0.1914	
		284	0.1717			Saray-	333	0.0085	
		306	0.0081			Maha-	368	0.4953	
		283	0.0035			singh	324	0.0094	
		564	0.0412				325	0.0424	
		Total	0.6175				340	0.0085	
	Bari Bojh	738	0.0124				473	0.0022	
		751	0.0030				366	0.0478	
		294	0.0165				514	0.1705	
		Total	0.0319				474	0.0513	
	Belha	584	0.0067				476	0.2490	
		585	0.0229				Total	1.2763	
		588	0.0826			Bhavana-	45	0.0026	
		591	0.0172			pur	910	0.5769	
		590	0.0014				47	0.0081	
		595	0.1154				434	0.0078	
		604	0.0106				571	0.0840	
		603	0.0318				885	0.0423	
		602	0.0136				1810	0.1028	
		610	0.0289				49	0.0078	
		647	0.2479				50	0.3007	
		641	0.0071				435	0.0071	
		648	0.0114				902	0.0053	
		656	0.0297				913	0.0498	
		653	0.0030				912	0.0301	
		676	0.0055				911	0.0135	

1	2	3	4	5	1	2	3	4	5
Pratapgarh Kunda	Sadar	Bhavana- pur	910	0.5769	Pratapgarh Sadar	Swarup- pur	461	0.0300	
			1252	0.0182			438	0.0319	
			1220	0.0165			139	0.0240	
			1219	0.0162			Total	0.1786	
			955	0.2546		Gambhira	1225	0.0776	
			1173	0.0029			1226	0.0122	
			1812	0.1139			1076	0.1422	
				0.0014			1153	0.0244	
			1223	0.0254			1449	0.0249	
			1219	0.0010			1251	0.0105	
			Total	2.2658			1229	0.0010	
		Kanupur	17	0.1840			1296	0.0254	
			67	0.0018			Total	0.3182	
			65	0.0065		Tarout- khas	776	0.1051	
			910	0.0353			Total	0.1051	
			911	0.5287					
			Total	0.7563			Saray	753	0.4629
		Mahia- mau	522	0.0101			Devray	1084	0.0379
			904	0.0196			Total	0.5008	
			906	0.0030					
			1230	0.0126					
			1231	0.0109					
			1258	0.0830					
			Total	0.1392					
		Khatwara	289	0.0072					
			587	0.0010					
			Total	0.0082					
		Jathwara	2075	0.0550					
			2317	0.0977					
			2321	0.0166					
			2322	0.0010					
			Total	0.1703					
		Jagdish- pur	279	0.0010					
			348	0.0013					
			313	0.0452					
			Total	0.0475					
		Gaur	600	0.0268					
			100	0.1924					
			590	0.0114					
			Total	0.2306					
		Swarup- pur	89	0.0010					
			Total	0.0010					
			Total	0.0010					

[F. No. L-14014/4/05-G.P. (Pt.-II)]				
S. B. MANDAL, Under Secy.				
नई दिल्ली, 16 नवम्बर, 2005				
का.आ. 4311 .— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 358(अ), का.आ. 361(अ) तारीख 21-3-2005 एवं का. आ. 493(अ) तारीख 4-4-2005 और का. आ. 2719 तारीख 15-10-2004 एवं का.आ. 2659 तारीख 20-7-2005 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा उत्तर प्रदेश राज्य में धूलेन्डी से फूलपुर पाइपलाइन परियोजना तक प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग का अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;				
और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 16-5-2005 और 1-9-2005 से 3-9-2005 तक उपलब्ध करा दी गई थी;				
और पाइपलाइन बिछाने के सम्बन्ध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है;				

[F. No. L-14014/4/05-G.P. (Pt.-II)]

S. B. MANDAL, Under Secy.

नई दिल्ली, 16 नवम्बर, 2005

का.आ. 4311.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 358(अ), का.आ. 361(अ) तारीख 21-3-2005 एवं का. आ. 493(अ) तारीख 4-4-2005 और का. आ. 2719 तारीख 15-10-2004 एवं का.आ. 2659 तारीख 20-7-2005 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा उत्तर प्रदेश राज्य में धूलेन्डी से फूलपुर पाइपलाइन परियोजना तक प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग का अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 16-5-2005 और 1-9-2005 से 3-9-2005 तक उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के सम्बन्ध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन् बिछाने के लिए अपेक्षित है, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन् बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि पाइपलाइन् बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने के बजाए, पाइपलाइन् बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हेक्ट. में)
1	2	3	4	5
राय बरेली तिलोई	किशनपुर केवाई	307	0.1023	
		308	0.1182	
		ए	0.0292	
		319	0.0010	
		317	0.1375	
		324	0.1703	
		323	0.0807	
		325	0.0115	
		353/बैलगाड़ी	0.0192	
		रास्ता		
		347	0.0694	
		348	0.2113	
		349	0.0010	
		343	0.0322	
		342	0.1413	
		340	0.0047	
		341	0.0420	
		375	0.0273	
		374	0.0023	
		381	0.1122	
		380	0.0985	
		379	0.0585	
		382	0.0111	
		378	0.1426	

1	2	3	4	5
राय बरेली तिलोई	किशनपुर	376	0.1698	
		375	0.0253	
		485	0.0953	
		486	0.0437	
		नाला	0.0539	
		487	0.1621	
		508	0.0113	
		507	0.0832	
		488	0.0251	
		493	0.2519	
		492	0.0505	
		494	0.1317	
		496	0.0114	
		542	0.0125	
		543	0.0109	
		544	0.3086	
		565	0.2764	
		566	0.0257	
		567	0.2385	
		568	0.0367	
		569	0.3103	
		604	0.0188	
		606	0.3737	
		720	0.0010	
		733	0.3097	
		734	0.0010	
		737	0.1210	
		898	0.0061	
		900	0.2068	
		907	0.3141	
		905	0.0044	
		906	0.2517	
		861	0.0843	
		920	0.0010	
		912	0.0124	
		917	0.6147	
		932	0.2554	
		929	0.0418	
		933	0.1839	
		936	0.2285	
		935	0.0010	
		911	0.0240	
		योग	7.0144	
राय बरेली राय बरेली बावन बुजुर्ग		1367	0.0624	
		1377	0.0006	
		1369	0.0960	
		1376	0.0096	
		1368	0.0480	
		1378	0.0764	
		1446	0.4145	
		1379	0.0100	
		1448	0.0075	
		1663	0.1886	
		1664	0.1152	

1	2	3	4	5
राय बरेली	राय बरेली	बावन बुजुर्ग	1662	0.0080
			1661/5560	0.1088
			1660	0.0112
			1659	0.3240
			1656	0.1632
			1657	0.0216
			1673	0.1800
			1704	0.1920
			1703	0.0186
			1715	0.0664
			1716	0.1584
			1714	0.0090
			1718	0.0480
			1717	0.0010
			1720	0.2160
			1721/5615	0.0816
			2200	0.2400
			2201	0.0080
			2299	0.1620
			2298 (नाला)	0.0096
			2196	0.3200
			2195	0.0020
			2194	0.0400
			2164 (गस्ता)	0.0120
			योग	3.4302
सलोन	बिरनावां		3581	0.0010
			3593	0.0010
			3597	0.1152
			3632	0.0271
			3659	0.0010
			4064	0.1302
			4063	0.0106
			योग	0.2861
	बितौरा		212	0.0084
			1092	0.0251
			1089	0.0415
			1047	0.0017
			1001	0.1497
			1757	0.0010
			1967	0.0241
			1968	0.1512
			योग	0.4027

[फा. सं. एल-14014/4/05-जी.पी. (भाग-II)]

एम. बी. मण्डल, अवर सचिव

New Delhi, the 16th November, 2005

S.O. 4311.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. No. 358 (E), S.O. No. 361 (E) dated 21-03-2005 and S.O. No. 493 (E) dated 04-04-2005 and S.O. No. 2719 dated 15-10-2004 and S.O. No. 2659 dated 20-07-2005 issued under Sub-section (I) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the

said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipelines for the transportation of natural gas from Thulendi to Phoolpur piepline project in the State of Uttar Pradesh by the GAIL (India) Limited;

And whereas copies of the said Gazette notification were made available to the public on 16-05-2005 and 01-09-2003-09-2005;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority;

And whereas the Competent Authority has, under Sub-section (I) of Section 6 of the said Act, submitted its report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipelines, has decided to acquire the right of user therein.

Now, therefore, in exercise of the powers conferred by Sub-section (I) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipelines shall, instead of vesting in the Central Government, vest, on the date of the publication of the declaration, in the GAIL (India), Limited, proposing to lay the pipelines and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in the GAIL (India), free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (In Hectare)
I	2	3	4	5
Rai Breilly	Tiloi	Dishanpur	307	0.1023
		Kewai	308	0.1182
			A	0.0292
			319	0.0010
			317	0.1375
			324	0.1703
			323	0.0807
			325	0.0115
			353/Cart	0.0192
			Track	
			347	0.0694
			348	0.2113
			349	0.0010
			343	0.0322

1	2	3	4	5	1	2	3	4	5
Rai Breilly	Tiloi	Dishanpur	342	0.1413	Rai Bareilly	Rai Bareilly	Bawan	1367	0.0624
		Bewai	340	0.0047			Bujurg	1377	0.0006
			341	0.0420				1369	0.0960
			375	0.0273				1376	0.0096
			374	0.0023				1368	0.0480
			381	0.1122				1378	0.0764
			380	0.0985				1446	0.4145
			379	0.0585				1379	0.0100
			382	0.0111				1448	0.0075
			378	0.1426				1663	0.1886
			376	0.1698				1664	0.1152
			375	0.0253				1662	0.0080
			485	0.0953				1661/5560	0.1088
			486	0.0437				1660	0.0112
		Nala	0.0539					1659	0.3240
		487	0.1621					1656	0.1632
		508	0.0113					1657	0.0216
		507	0.0832					1673	0.1800
		488	0.0251					1704	0.1920
		493	0.2519					1703	0.0186
		492	0.0505					1715	0.0664
		494	0.1317					1716	0.1584
		496	0.0114					1714	0.0090
		542	0.0125					1718	0.0480
		543	0.0109					1717	0.0010
		544	0.3086					1720	0.2160
		565	0.2764					1721/5615	0.0816
		566	0.0257					2200	0.2400
		567	0.2385					2201	0.0080
		568	0.0367					2299	0.1620
		569	0.3103					2298 (Nala)	0.0096
		604	0.0188					2196	0.3200
		606	0.3737					2195	0.0020
		720	0.0010					2194	0.0400
		733	0.3097					2164 (Rasta)	0.0120
		734	0.0010					Total	3.4302
		737	0.1210			Salon	Birnawan	3581	0.0010
		898	0.0061					3593	0.0010
		900	0.02068					3597	0.1152
		907	0.3141					3632	0.0271
		905	0.0044					3659	0.0010
		906	0.2517					4064	0.1302
		861	0.0843					4063	0.0106
		920	0.0010					Total	0.2861
		912	0.0124				Bitaura	212	0.0084
		917	0.6147					1092	0.0251
		932	0.2554					1089	0.0415
		929	0.0418					1047	0.0017
		933	0.1839					1001	0.1497
		936	0.2285					1757	0.0010
		935	0.0010					1967	0.0241
		911	0.0240					1968	0.1512
		Total	7.0144					Total	0.4027

[F. No. L-14014/4/05-G.P. (Pt.-II)]

S. B. MANDAL, Under Secy.

नई दिल्ली, 13 सितम्बर, 2005

का. आ. 4312.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 1024 तारीख 9 मार्च, 2005, जो भारत के राजपत्र तारीख 19 मार्च, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 25 मई, 2005 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी वििल्लंगनों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : छाता

जिला : मथुरा

राज्य : उत्तर प्रदेश

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
1	आझईकलां	2	0.0750
		106	0.2130
		123	0.0960
		126	0.0540
		129	0.0216
		133	0.2890
		136	0.0680
		137	0.0370
		139	0.0470
2.	आझईखुर्द	1119	0.0200
		1128	0.0810
		1129	0.2810
		1196	0.0130
		1194	0.0070
		1195	0.1060
		1197	0.0850
		1249	0.0150
		1248	0.1590
		1247	0.1540
		1240	0.0210
		1237	0.0680
		1238	0.0760
		1233	0.0340
		1232	0.0950
		1239	0.0080
		1231	0.3010
		1227	0.0160
		1226	0.0120
		1228	0.1880
		1067	0.1260
		1066	0.1520
		1065	0.0870
		1064	0.0400
		1062	0.1430
		1061	0.0720
		1377/1250	0.1850
		1121	0.0300
3	अजनौठी	28	0.1800
		29	0.1160
		30	0.0290
		31	0.3320

1	2	3	4
3	अजमेरी (जारी.....)	32	0.0300
		128	0.0300
		127	0.3880
		164	0.0150
		165	0.0070
		399	0.3240
		398	0.1600
		402	0.0150
		405	0.0250
		406	0.3750
		407	0.0150
		457	0.1520
		458	0.0130
		456	0.3750
		470	0.1440
		472	0.0940
		467	0.0150
		468	0.0050
		465	0.0300
		466	0.3460
4.	अकबरपुर	135	0.0600
		136	0.2850
		184	0.1230
		223	0.2310
		192	0.3750
		183	0.2520
		187	0.0080
		106	0.3890
		111	0.0120
		112	0.0080
		128	0.3240
		127	0.0090
		131	0.0080
		177	0.0150
		90	0.0080
		96	0.1230
		97	0.2240
		48	0.0120
		40	0.0760
		41	0.0120
		47	0.0900
		44	0.1080
		43	0.0080
		42	0.0050
		35	0.1800
		36	0.2380
		33	0.0290

1	2	3	4
4	अकबरपुर (जारी.....)	18	0.0080
		10	0.0580
		12	0.0580
		14	0.0080
		13	0.0360
		15	0.1080
		6	0.0080
		1	0.1160
		201	0.0100
		210	0.3480
		216	0.0100
		224 A	0.2410
		226	0.0150
		240	0.0070
		244	0.1000
		243	0.3030
		255	0.0120
		270	0.0690
		271	0.0080
		273	0.5760
		272	0.0720
		278	0.0080
		283	0.0300
		388	0.0300
		418	0.0150
		416 B	0.0510
		406	0.0250
		409	0.0250
		869	0.0200
		866	0.0360
		945	0.0080
		963	0.0080
		962	0.0080
		956	0.2520
		954	0.0210
		949	0.0080
		948 B	0.0770
		947	0.3240
		946	0.0070
		275	0.0070
		423	0.0200
		422	0.2810
		421	0.0140
		412	0.3100
		413	0.0070
		414	0.0150
		417	0.0050

1	2	3	4
4	अकबरपुर (जारी.....)	415 A	0.1230
		966	0.0300
		967	0.1110
		964	0.0190
		981	0.6020
		978	0.0150
		977	0.0290
		979	0.0800
		980	0.0080
		958	0.0680
		957	0.1370
		233	0.2980
5	बहरावली	47	0.0280
		57	0.1100
		58	0.1290
		62	0.0350
		63	0.0410
		65	0.2810
		48	0.0150
6	बिड़ावली	108	0.2670
		107	0.1950
		106	0.0040
		105	0.0440
		109	0.0050
		110	0.0110
		104	0.2250
7	बरौली	59	0.2520
		60	0.0940
		61	0.0190
		63	0.1090
		64	0.1020
		67	0.1960
		65	0.0060
		72	0.0820
		73	0.0440
		75	0.2190
		74	0.0160
		103	0.3100
		108	0.0150
		136	0.2100
		131	0.1180
		126	0.0020
		127	0.2230
		68	0.0100
		71	0.0130
		76	0.2600
		135	0.0360

1	2	3	4
7	बरीली (जारी.....)	125	0.1800
		120	0.3390
		122	0.0360
		123	0.0360
		112	0.0360
		119	0.2160
8	चन्दौरी	1	0.0150
		6	0.0120
		7	0.1440
		8	0.2520
		22	0.0130
		28	0.4040
		29	0.1520
		108	0.3100
		107	0.1230
		109	0.0080
		116	0.0080
		115	0.0220
		117	0.2020
		118	0.2380
		119	0.1300
		143	0.0150
		142	0.2310
		141	0.0150
		132	0.0400
		133	0.2960
		140	0.1670
		139	0.2160
		137	0.0250
		138	0.3640
		187	0.0150
		186	0.0110
		185	0.0820
		202	0.2190
		199	0.2200
		198	0.1750
		197	0.0160
		195	0.1820
		194	0.0340
		191	0.0650
		193	0.0080
		192	0.3790
		318	0.0180
		317	0.0250
		322	0.3680
		211	0.0150
		321	0.1950

1	2	3	4
8	चन्दौरी (जारी.....)	323	0.1880
9	चौमुहों	598	0.2090
		597	0.2100
		605	0.2090
		707	0.0080
		712	0.0150
		714	0.0080
		715	0.0370
		681	0.0150
		682	0.1660
		686	0.0150
		687	0.0290
		661	0.0940
		666	0.0230
		665	0.0080
		601	0.2270
		602	0.0290
		613	0.0510
		713	0.4470
		709	0.0150
		706	0.2600
		683	0.1520
		659	0.1440
		660	0.0080
		664	0.0080
		668	0.0080
		670	0.0080
		625	0.2670
		626	0.0120
		616	0.0940
		1025	0.0110
		1033/1	0.0420
		1037	0.1650
		1038	0.0090
		1069	0.0050
		1073	0.2160
		1074	0.1020
		1072	0.4110
		1079	0.0080
		1080	0.2670
		663	0.1370
		662	0.0720
		648	0.1230
		647	0.0050
		669	0.1230
		640	0.1160
		639	0.0120

1	2	3	4
9	चौमुहों (जारी.....)	627	0.2360
		1048	0.0080
		1050	0.0080
		1047	0.1310
		1046	0.0090
		1045	0.2600
		1109	0.0110
		1084	0.0940
		1085	0.2880
		1070	0.0440
		628	0.1250
10	गुहेता सातबीसा	63	0.2020
		64	0.0590
		66	0.1790
		68	0.1090
		70	0.2510
		71	0.1020
		74	0.0570
		76	0.2310
		60	0.0140
		72	0.0150
		73	0.0200
		77	0.3100
		225	0.0190
		224	0.3100
		238	0.0360
		203	0.4990
		209	0.0150
		217	0.3770
		214	0.0080
		211	0.5030
		213	0.0200
		250	0.1350
		251	0.1750
11	खरौट	452	0.0580
		445	0.1010
		441	0.1270
		508	0.3330
		688	0.1440
		660	0.0230
		658	0.0160
		661	0.0120
		657	0.1660
		650	0.2140
		437	0.4610
		453	0.2090
		444	0.1440

1	2	3	4
11	खरौट (जारी.....)	443	0.0250
		439	0.3460
		686	0.0650
		685	0.1080
		678	0.1950
		679	0.1160
		677	0.0290
		675	0.0360
		676	0.0360
		659	0.0800
		649	0.0740
		648	0.0650
		1321	0.0200
		1366	0.2500
		643	0.2600
		1335	0.3030
		1334	0.0270
12	सेमरी	281	0.0290
		275	0.0060
		276	0.0520
		277	0.1380
		280	0.0080
		279	0.4420
		278	0.0190
		282	0.0080
		283	0.1370
		324	0.1890
		327	0.0080
		329	0.0120
		330	0.1380
		336	0.0370
		351	0.0140
		355	0.0440
		356	0.1040
		362	0.0130
		365	0.0100
		363	0.2020
		366	0.0250
		325	0.0940
		287	0.1300
13	हथाना	1251	0.5190
		1149	0.1010
		1151	0.0720
		1152	0.4040
		1051	0.6270
		1032	0.1590
		782	0.1300

1	2	3	4
13	हथाना (जारी.....)	783	0.1230
		784	0.0510
		785	0.1230
		795	0.0150
		786	0.0440
		1074	0.2740
		1072	0.0930
		1076	0.0130
		1087	0.8570
		882	0.3760
		880	0.1990
		982	0.0350
		980	0.0330
		974	0.0090
		973	0.2200
		972	0.0510
		804	0.0250
		803	0.0250
		802	0.4760
		797	0.1660
		801	0.0190
		975	0.3680
		976	0.0100
		883	0.0510
		881	0.0110
14	छाताखास	913	0.3320
		916	0.4970
		911	0.0220
		902	0.0240
		889	0.1880
		696	0.0190
		550	0.0720
		549	0.1230
		547	0.0150
		546	0.1230
		912	0.0150
		917	0.0360
		909	0.0650
		892	0.0150
		890	0.0720
		884	0.0430
		842	0.0050
		839	0.0150
		840	0.0180
		814	0.0370
		816	0.0160
		811	0.1660

1	2	3	4
15	फालैन (जारी.....)	466	0.0580
		439	0.1800
		438	0.3090
		437	0.0220
		436	0.0550
		435	0.0360
		434	0.0450
		517	0.0210
		521	0.2090
		522	0.0170
		520	0.0870
		523	0.2450
		525	0.0150
		561	0.4400
		593	0.1880
		594	0.0080
		592	0.3600
		589	0.0280
		587	0.3460
		586	0.0360
		611	0.1660
		612	0.3170
		613	0.0080
		458	0.0360
		119	0.1110

[फा0सं0आर0-31015/4/2005-ओ आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 13th September, 2005

S. O. 4312.— Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.1624, dated the 9th March, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 19th March, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 25th May, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE**TEHSIL : CHHATA****DISTRICT : MATHURA****STATE : UTTAR PRADESH**

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	AAJHAIKALAN	2	0.0750
		106	0.2130
		123	0.0960
		126	0.0540
		129	0.0216
		133	0.2890
		136	0.0680
		137	0.0370
		139	0.0470
2	AAJHAIKHURD	1119	0.0200
		1128	0.0810
		1129	0.2810
		1196	0.0130
		1194	0.0070
		1195	0.1060
		1197	0.0850
		1249	0.0150
		1248	0.1590
		1247	0.1540
		1240	0.0210
		1237	0.0680
		1238	0.0760
		1233	0.0340
		1232	0.0950
		1239	0.0080
		1231	0.3010
		1227	0.0160
		1226	0.0120
		1228	0.1880
		1067	0.1260
		1066	0.1520
		1065	0.0870
		1064	0.0400
		1062	0.1430
		1061	0.0720
		1377/1250	0.1850
		1121	0.0300
3.	AJANAUTHI	28	0.1800
		29	0.1160
		30	0.0290
		31	0.3320

1	2	3	4
3.	AJANAUTHI (Contd...)	32	0.0300
		128	0.0300
		127	0.3880
		164	0.0150
		165	0.0070
		399	0.3240
		398	0.1600
		402	0.0150
		405	0.0250
		406	0.3750
		407	0.0150
		457	0.1520
		458	0.0130
		456	0.3750
		470	0.1440
		472	0.0940
		467	0.0150
		468	0.0050
		465	0.0300
		466	0.3460
4.	AKBARPUR	135	0.0600
		136	0.2850
		184	0.1230
		223	0.2310
		192	0.3750
		183	0.2520
		187	0.0080
		106	0.3890
		111	0.0120
		112	0.0080
		128	0.3240
		127	0.0090
		131	0.0080
		177	0.0150
		90	0.0080
		96	0.1230
		97	0.2240
		48	0.0120
		40	0.0760
		41	0.0120
		47	0.0900
		44	0.1080
		43	0.0080
		42	0.0050
		35	0.1800
		36	0.2380
		33	0.0290

1	2	3	4
4.	AKBARPUR (Contd...)	18	0.0080
		10	0.0580
		12	0.0580
		14	0.0080
		13	0.0360
		15	0.1080
		6	0.0080
		1	0.1160
		201	0.0100
		210	0.3480
		216	0.0100
		224 A	0.2410
		226	0.0150
		240	0.0070
		244	0.1000
		243	0.3030
		255	0.0120
		270	0.0690
		271	0.0080
		273	0.5760
		272	0.0720
		278	0.0080
		283	0.0300
		388	0.0300
		418	0.0150
		416 B	0.0510
		406	0.0250
		409	0.0250
		869	0.0200
		866	0.0360
		945	0.0080
		963	0.0080
		962	0.0080
		956	0.2520
		954	0.0210
		949	0.0080
		948 B	0.0770
		947	0.3240
		946	0.0070
		275	0.0070
		423	0.0200
		422	0.2810
		421	0.0140
		412	0.3100
		413	0.0070
		414	0.0150
		417	0.0050

1	2	3	4
4.	AKBARPUR (Contd...)	415 A	0.1230
		966	0.0300
		967	0.1110
		964	0.0190
		981	0.6020
		978	0.0150
		977	0.0290
		979	0.0800
		980	0.0080
		958	0.0680
		957	0.1370
		233	0.2980
5.	BAHARAVALI	47	0.0280
		57	0.1100
		58	0.1290
		62	0.0350
		63	0.0410
		65	0.2810
		48	0.0150
6.	BIDAVALI	108	0.2670
		107	0.1950
		106	0.0040
		105	0.0440
		109	0.0050
		110	0.0110
		104	0.2250
7.	BAROULI	59	0.2520
		60	0.0940
		61	0.0190
		63	0.1090
		64	0.1020
		67	0.1960
		65	0.0060
		72	0.0820
		73	0.0440
		75	0.2190
		74	0.0160
		103	0.3100
		108	0.0150
		136	0.2100
		131	0.1180
		126	0.0020
		127	0.2230
		68	0.0100
		71	0.0130
		76	0.2600
		135	0.0360

1	2	3	4
7	BAROULI (Contd...)	125	0.1800
		120	0.3390
		122	0.0360
		123	0.0360
		112	0.0360
		119	0.2160
8	CHANDAURI	1	0.0150
		6	0.0120
		7	0.1440
		8	0.2520
		22	0.0130
		28	0.4040
		29	0.1520
		108	0.3100
		107	0.1230
		109	0.0080
		116	0.0080
		115	0.0220
		117	0.2020
		118	0.2380
		119	0.1300
		143	0.0150
		142	0.2310
		141	0.0150
		132	0.0400
		133	0.2960
		140	0.1670
		139	0.2160
		137	0.0250
		138	0.3640
		187	0.0150
		186	0.0110
		185	0.0820
		202	0.2190
		199	0.2200
		198	0.1750
		197	0.0160
		195	0.1820
		194	0.0340
		191	0.0650
		193	0.0080
		192	0.3790
		318	0.0180
		317	0.0250
		322	0.3680
		211	0.0150
		321	0.1950

1	2	3	4
8.	CHANDAURI (Contd...)	323	0.1880
9.	CHAUMUHAN	598	0.2090
		597	0.2100
		605	0.2090
		707	0.0080
		712	0.0150
		714	0.0080
		715	0.0370
		681	0.0150
		682	0.1660
		686	0.0150
		687	0.0290
		661	0.0940
		666	0.0230
		665	0.0080
		601	0.2270
		602	0.0290
		613	0.0510
		713	0.4470
		709	0.0150
		706	0.2600
		683	0.1520
		659	0.1440
		660	0.0080
		664	0.0080
		668	0.0080
		670	0.0080
		625	0.2670
		626	0.0120
		616	0.0940
		1025	0.0110
		1033/1	0.0420
		1037	0.1650
		1038	0.0090
		1069	0.0050
		1073	0.2160
		1074	0.1020
		1072	0.4110
		1079	0.0080
		1080	0.2670
		663	0.1370
		662	0.0720
		648	0.1230
		647	0.0050
		669	0.1230
		640	0.1160
		639	0.0120

1	2	3	4
9.	CHAUMUHAN (Contd...)	627	0.2360
		1048	0.0080
		1050	0.0080
		1047	0.1310
		1046	0.0090
		1045	0.2600
		1109	0.0110
		1084	0.0940
		1085	0.2880
		1070	0.0440
		628	0.1250
10	GUHETA SATBISA	63	0.2020
		64	0.0590
		66	0.1790
		68	0.1090
		70	0.2510
		71	0.1020
		74	0.0570
		76	0.2310
		60	0.0140
		72	0.0150
		73	0.0200
		77	0.3100
		225	0.0190
		224	0.3100
		238	0.0360
		203	0.4990
		209	0.0150
		217	0.3770
		214	0.0080
		211	0.5030
		213	0.0200
		250	0.1350
		251	0.1750
11	KHAROT	452	0.0580
		445	0.1010
		441	0.1270
		508	0.3330
		688	0.1440
		660	0.0230
		658	0.0160
		661	0.0120
		657	0.1660
		650	0.2140
		437	0.4610
		453	0.2090
		444	0.1440

1	2	3	4
11	KHAROT (Contd...)	443	0.0250
		439	0.3460
		686	0.0650
		685	0.1080
		678	0.1950
		679	0.1160
		677	0.0290
		675	0.0360
		676	0.0360
		659	0.0800
		649	0.0740
		648	0.0650
		1321	0.0200
		1366	0.2500
		643	0.2600
		1335	0.3030
		1334	0.0270
12	SENMARI	281	0.0290
		275	0.0060
		276	0.0520
		277	0.1380
		280	0.0080
		279	0.4420
		278	0.0190
		282	0.0080
		283	0.1370
		324	0.1890
		327	0.0080
		329	0.0120
		330	0.1380
		336	0.0370
		351	0.0140
		355	0.0440
		356	0.1040
		362	0.0130
		365	0.0100
		363	0.2020
		366	0.0250
		325	0.0940
		287	0.1300
13	HATHANA	1251	0.5190
		1149	0.1010
		1151	0.0720
		1152	0.4040
		1051	0.6270

1	2	3	4
13	HATHANA (Contd...)	1032	0.1590
		782	0.1300
		783	0.1230
		784	0.0510
		785	0.1230
		795	0.0150
		786	0.0440
		1074	0.2740
		1072	0.0930
		1076	0.0130
		1087	0.8570
		882	0.3760
		880	0.1990
		982	0.0350
		980	0.0330
		974	0.0090
		973	0.2200
		972	0.0510
		804	0.0250
		803	0.0250
		802	0.4760
		797	0.1660
		801	0.0190
		975	0.3680
		976	0.0100
		883	0.0510
		881	0.0110
14	CHHATAKHAS	913	0.3320
		916	0.4970
		911	0.0220
		902	0.0240
		889	0.1880
		696	0.0190
		550	0.0720
		549	0.1230
		547	0.0150
		546	0.1230
		912	0.0150
		917	0.0360
		909	0.0650
		892	0.0150
		890	0.0720

1	2	3	4
14	CHHATAKHAS (Contd...)	884	0.0430
		842	0.0050
		839	0.0150
		840	0.0180
		814	0.0370
		816	0.0160
		811	0.1660
		815	0.2450
		790	0.0150
		792	0.0800
		791	0.2880
		770	0.1160
		844	0.3530
		843	0.0360
		837	0.1440
		822	0.6410
		818	0.0220
		813	0.0220
		784	0.0150
		785	0.0220
		769	0.0290
		768	0.0150
		774	0.4180
		775	0.0580
		758	0.0080
		759	0.0150
		757	0.2740
		726	0.0360
		717	0.4610
		714	0.0080
		715	0.0150
		708	0.2380
		706	0.5550
		683	0.0800
		690	0.5910
		691	0.3240
15	PHALAIN	116	0.0290
		120	0.1010
		136	0.0220
		132	0.1230
		133	0.0940

1	2	3	4
15	PHALAIN (Contd...)	214	0.0200
		212	0.1080
		208/1	0.0440
		208/2	0.3320
		208/3	0.1800
		208/4	0.2600
		208/5	0.1250
		207	0.0070
		460	0.0510
		457	0.0290
		463	0.0190
		464	0.1730
		465	0.3240
		466	0.0580
		439	0.1800
		438	0.3090
		437	0.0220
		436	0.0550
		435	0.0360
		434	0.0450
		517	0.0210
		521	0.2090
		522	0.0170
		520	0.0870
		523	0.2450
		525	0.0150
		561	0.4400
		593	0.1880
		594	0.0080
		592	0.3600
		589	0.0280
		587	0.3460
		586	0.0360
		611	0.1660
		612	0.3170
		613	0.0080
		458	0.0360
		119	0.1110

[F.N. R-31015/4/2005-OR-II]

HARISH KUMAR, UNDER SECRETARY

नई दिल्ली, 15 सितम्बर, 2005

का. अम. 4313.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 1705 तारीख 03 मई, 2005, जो भारत के राजपत्र तारीख 07 मई, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 26 जून, 2005 को उपलब्ध करा दी गई थीं ;

और संक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सही विस्तारों से मुक्त, भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : पिडावा		जिला : झालावाड़	राज्य : राजस्थान
क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1	सरखेड़ी	977	0.0648
		952	0.1224
		953	0.0072
		976	0.2232
		975	0.2376
		973	0.1944
		966	0.1584
		669	0.1368
		667	0.0792
		555	0.0216
		556	0.2664
		559	0.0720
		560	0.1008
		561	0.1440
		563	0.0864
		564	0.0360
		591	0.0144
		592	0.0648
		593	0.1224
		511	0.0288
		508	0.0020
		510	0.1440
		470	0.2376
		452	0.2016
		441	0.1944
		442	0.0360
		443	0.0936
		444	0.1440
		445	0.2592
		446	0.0040
		432	0.0576
2	रामपुरिया	672	0.0288

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
2	रामपुरिया (जारी.....)	671	0.0504
		670	0.0072
		679	0.0432
		681	0.2232
		683	0.1440
		686	0.1440
		687	0.0072
		689	0.3672
		669	0.0360
		690	0.0432
		691	0.0072
		668	0.0360
		667	0.0216
		666	0.1512
		646	0.1800
		644	0.1152
		643	0.1224
		641	0.2088
		597	0.0144
		542	0.2232
		544	0.0144
		545	0.0576
		547	0.0360
		548	0.0288
		549	0.0072
		550	0.0504
		551	0.0432
		552	0.0504
		573	0.0648
		190	0.0288
		179	0.0144
		185	0.1440
		189	0.1080
		187	0.1224
		227	0.0360
		221	0.0072
		228	0.1080
		229	0.1728
		230	0.0040
		231	0.0288
		232	0.0792
		245	0.2232
		247	0.1800
		248	0.1440
		121	0.0720
		120	0.0504
		119	0.3528
		118	0.0720
		115	0.2808
		111	0.1008
		110	0.0288
		81	0.0720
		85	0.1440
		82	0.1008
		84	0.0040
		83	0.0288
3	रामटी	172	0.0504
		173	0.1224
		171	0.2880
		169	0.0144
		147	0.2880
		142/540	0.0072

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
3	रामटी (जारी...)	140	0.2520
		139	0.1080
		138	0.0360
		137	0.1440
		134	0.1440
		135	0.0144
		130	0.0144
		93	0.1080
		96	0.1440
		97	0.2016
		98	0.0648
		99	0.1512
		76	0.0360
		73	0.0144
		51	0.1584
		67	0.5472
		64	0.0216
		59	0.2880
4	शेरपुर	653	0.0288
		652	0.1944
		626	0.0072
		627	0.2592
		628	0.2016
		629	0.2016
		621	0.2304
		620	0.0216
		604	0.2592
		603	0.0864
		602	0.2232
		601	0.0720
		594	0.0576
		338	1.6632
		337	0.0288
		336	0.2664
		332	0.0648
5	दौलतपुरा	331	0.1564
		349	0.0432
		342	0.0720
		348	0.1080
		347	0.1296
		349	0.6552
		350	0.0040
		384	0.0072
		354	0.2376
		357	0.3312
		380	0.0144
		304	0.2376
		527/302	0.1224
		524/302	0.2376
		521/301	0.0864
		522/301	0.2160
		525/301	0.2520
		268	0.2448
		287	0.0040
		268	0.0144
6	घरोनिया	264	0.1872
		263	0.1008
		260	0.1440
		258	0.2376
		257	0.1440
		256	0.1512
		1717	0.8208

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
6	बरोनिया (जारी.....)	1718	0.3744
		1734	0.0216
		1790/1945	0.1728
		1790/2009	0.0216
		1791	0.0864
		1789	0.0216
		1773	0.1440
		1776	0.0864
		1777	0.1080
		1779	0.1440
		1780	0.1440
		1781	0.0072
		1782	0.0864
		1783	0.1656
		1784	0.0216
		1767	0.0144
		1807	0.0216
		1809	0.1872
		1856	0.0072
		1820	0.0936
		1819	0.0040
		1821	0.0864
		1822	0.0864
		1847	0.0864
		1846	0.0040
		1848	0.0576
		1872	0.0792
		1839	0.1224
		1838	0.0936
		1837	0.0792
		1835	0.1368
		1833	0.0360
7	निमाहेडा	166	0.1296
		167	0.0504
		168	0.0432
		186	0.2088
		185	0.0720
		187	0.2304
		196	0.0432
		195	0.0792
		194	0.1440
		199	0.0216
		193	0.0288
		200	0.1224
		201	0.0720
		447	0.0720
		448/561	0.0576
		448/562	0.0504
		448/563	0.0504
		448/564	0.0720
		452	0.0144
8	कचरा खेडी	526	1.5192
		661/700	0.0936
		661/701	0.0288
		661/705	0.0288
		661	0.6120
		654	0.0360
		650	0.0792
		649	0.0288
		645	0.1368
		644	0.0504
		642	0.1584

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
8	कचरा खेडी (जारी.....)	638	0.0864
		639	0.0216
		437	0.1080
		630	0.1512
		631	0.0216
		629	0.0144
		521	0.0036
		522	0.0072
		523	0.0576
		520	0.0072
		524	0.0864
		525	0.1080
		526	0.0072
		528	0.0720
		529	0.0144
		533	0.0792
		538	0.1512
		536	0.0144
		537	0.0144
		539	0.0360
		603	0.0648
		604	0.0936
		601	0.0792
		600	0.0648
		599	0.0792
		599/729	0.1080
		598	0.0216
		597	0.2664
9	फतेहगढ़	581/1109	0.0216
		581	0.0576
		580	0.0216
		525/1082	0.1584
		515	0.0288
		517	0.0792
		518	0.1008
		519	0.2304
		524	0.0720
		521	0.1224
		522	0.0144
		523/1107	0.0360
		545	0.1368
		523/1108	0.0360
		523	0.0216
		506	0.1368
		546	0.0288
		547	0.0288
		497/1173	0.0072
		497	0.0576
		490/1104	0.0020
		490	0.0288
		489	0.0648
		488	0.0288
		487	0.0072
		486	0.0720
		485	0.0020
		481	0.0288
		478	0.0936
		479	0.0144
		475	0.0288
		474	0.0504
		473	0.0216
		472	0.0144

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
9	फतेहगढ़ (जारी.....)	470	0.0576
		471	0.0144
		468	0.0144
		463	0.0144
		466	0.0072
		465	0.0288
		459	0.0576
		455/1172	0.1728
		454/1171	0.0432
		446	0.0216
		757	0.0576
		758	0.1008
		422	0.0144
		759	0.0216
		444	0.0020
		428	0.0720
		427	0.0936
		424	0.0648
		423	0.0288
		421	0.0648
		420	0.0360
		419	0.0360
		417	0.0432
		418	0.0072
		413	0.0216
		411	0.0020
		412	0.0432
		409	0.0216
		408	0.0288
		405/1100	0.0040
		405	0.0288
		404	0.1080
		400	0.0288
		399	0.0432
		403	0.0072
		385	0.0360
		384	0.1872
		383	0.0144
		380	0.0792
		379	0.0504
		823/1122	0.1224
		823	0.1584
		824	0.0072
		825	0.1080
		927	0.3816
		928	0.1368
		923	0.2664
		922	0.0360
		921	0.0864
		920	0.0792
		901	0.1440
		902	0.1512
		912	0.0288
10	खिजूरपुर	6	0.1800
		7	0.0720
		9	0.2664
		28	0.0864
		29	0.1008
		30	0.0936
		31	0.1944
		33	0.0792
		35	0.2592

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
10	खिजरपुर (जारी.....)	36	0.0576
		79	0.0576
		99	0.0072
		102	0.2736
		78	0.1296
		115	0.1080
		116	0.0936
		125	0.0648
		128	0.0216
		129	0.1296
		124	0.0072
		123	0.0040
		144	0.1296
		145	0.0288
		159	0.0144
		158	0.0792
		160	0.0288
		186	0.0144
		187	0.0432
		185	0.0040
		179	0.0040
		190	0.0864
		192	0.0360
		193	0.0144
		194	0.0020
		196	0.0504
		195	0.0144
		199	0.0576
		200	0.0432
		396	0.0936
		395	0.1152
		397	0.0864
		394	0.1152
		458	0.0144
		398	0.3096
		455	0.0020
		399	0.0020
		401	0.0216
		402	0.0360
		421	0.0576
		422	0.0432
		427	0.1144
		428	0.0432
		429	0.0144
		430	0.0040
		197	0.0288
11	बानोर	927	0.0144
		917	0.1296
		918	0.0144
		919	0.0360
		920	0.0144
		921	0.2160
		943	0.0216
		942	0.1584
		941	0.1080
		940	0.1152
		939	0.0936
		946	0.0360
		950	0.1296
		949	0.0648
		956	0.1296
		957	0.0144

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
11	बनोर (जारी.....)	959	0.0288
		958	0.0072
		984	0.1008
		955	0.1440
		960	0.1224
		983	0.0648
12	आसौंदिया	982	0.0040
		2	0.2376
		3	0.0144
		4	0.0216
		5	0.1440
		5/407	0.0864
		13/409	0.1944
		36	0.1440
		35	0.0144
		34	0.0864
		37	0.0144
		33	0.0864
		15	0.0144
		20	0.4104
		96	0.0144
		99	0.1800
		102	0.1296
		101	0.0792
		103	0.1728
		106	0.0936
		108	0.0936
		107	0.0072
		121	0.0216
		120	0.0020
		122	0.1584
		131	0.1152
		130	0.3024
		129	0.0072
		128	0.0576
13	कोटडी खुर्द	161	0.0216
		13	0.0216
		15	0.0288
		14	0.0360
		18	0.1080
		19	0.0072
		26	0.1944
		25	0.1368
		27	0.0072
		32	0.1944
		33	0.1944
		37	0.0144
		93	0.1872
		98	0.0504
		99	0.1008
		103	0.2592
		89	0.1152
		88	0.0144
		87	0.2808
14	सेमली भवानी	82	0.2304
		81	0.2448
		71	0.0216
		70	0.2736
		251	0.0216
		253	0.2232
		259	0.1152
		258	0.0504

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
14	सेमली भवानी (जारी.....)	257	0.0648
		260	0.0020
		256	0.2088
		247	0.1008
		246	0.0432
		243	0.0020
		266	0.0288
		305	0.0720
		306	0.1656
		319	0.1368
		320	0.2448
		323	0.0020
		322	0.1512
		321	0.0072
		324	0.0144
		422	0.2736
		419	0.0216
		420	0.3528
		421	0.0576
		407	0.4104
		456	0.1080
		406	0.0144
		396	0.0216
		395	0.2088
		393	0.0576
		397	0.1368
15	बोरबंद	361	0.0144
		362	0.1368
		373	0.0144
16	दीवल खेडा	301	0.0072
		302	0.1008
		303	0.0792
		317	0.2664
		318	0.1368
		320	0.0144
		369	0.0144
		368	0.0144
		370	0.2160
		371	0.1728
		388	0.1080
		390	0.1728
		391	0.0216
		389	0.0072
		395	0.2520
		396	0.0144
		343	0.0040
		399	0.1728
		495	0.0072
		546	0.1368
		566	0.1080
		564	0.2016
		569	0.0072
		570	0.1440
		700	0.0216
		870	0.2808
		869	0.2088
		861	0.0144
		864	0.1224
		863	0.1584
17	मुंडला	856	0.0720
		855	0.1296
		858	0.0072

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
17	मुंडला (जारी.....)	859	0.1008
		865	0.1152
		861	0.0040
		864	0.0936
		866	0.1224
		867	0.0936
		795	0.2304
		803	0.2016
		789	0.0040
		792	0.0020
		791	0.1368
		790	0.1368
		771	0.2880
		772	0.1584
		774	0.0504
		775	0.0072
		770	0.0216
		649	0.0144
		651	0.4608
		650	0.0020
		653	0.0216
		654	0.0720
		656	0.1728
		657	0.0216
		658	0.0792
		661	0.0040
		176	0.0576
		667	0.0288
		668	0.0288
		669	0.0566
		670	0.1728
		671	0.0144
		537	0.0040
		535	0.1008
		542	0.0020
		534	0.0720
		523	0.0144
		533	0.1512
		531	0.1440
		528	0.0040
		529	0.0040
		530	0.0072
		312	0.0144
		313	0.0144
		314	0.0144
		315	0.0504
		316	0.0216
		317	0.0288
		319	0.0288
		320	0.0288
		321	0.0144
		322	0.0144
		323	0.0936
		324	0.0288
		340	0.1296
		300	0.0020
		339	0.0040
		341	0.0720
		359	0.0216
		358	0.0648
		360	0.0144
		357	0.0360

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
17	मुंडला (जारी.....)	354	0.0020
		368	0.0792
		367	0.0144
		371	0.0576
		370	0.0144
		372	0.0720
		378	0.0072
		377	0.1080
		376	0.0360
		375	0.0216
		389	0.1512
		393	0.0072
		388	0.0144
18	कल्याणपुरा	36	0.0648
		35	0.0936
		37/89	0.1008
		44	0.0216
		77	0.4032
		76	0.1296
		75	0.0288
		74	0.1152
		48	0.0020
		49	0.0072
		57	0.1512
		51	0.0216
		52	0.0216
		53	0.0504
		54	0.0576
		55	0.0040
		56	0.0576
		28	0.0648
		59	0.1080
		60	0.0864
		43	0.0288
19	बजरंगपुरा	59	0.0360
		57	0.0576
		58	0.2160
		56	0.0504
		54	0.1152
		6	0.0216
		7	0.0504
		8	0.0360
		9	0.1224
		10	0.0576
		11	0.0576
		12	0.0792
		45	0.2160
		44	0.0360
		43	0.1800
		42	0.0288
		22	0.0144
		29	0.1008
		28	0.0504
20	रघुनाथपुरा	246	0.0072
		247	0.0288
		248	0.0144
		249	0.1296
		250	0.0072
		251	0.1296
		234	0.1152
		230	0.1656
		231	0.0040

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
20	रघुनाथपुरा (जारी.....)	232	0.2160
		289	0.0792
		233	0.0864
		192	0.2088
		193	0.1656
		191	0.0144
		189	0.0144
		239	0.0216
		184	0.0040
		127	0.1368
		126	0.0288
		125	0.1368
		129	0.0144
		131	0.0040
		130	0.0040
		150	0.1440
		149	0.2232
		146	0.1368
		147	0.0792
		145	0.0288
		144	0.0144
		361	0.0216
		363	0.0504
		364	0.0936
		367	0.0040
		365	0.0288
		366	0.1368
		354	0.0576
		369	0.0864
		370	0.1584
		387	0.1440
		386	0.0072
		388	0.1296
		389	0.1728
		392	0.2304
		391	0.0040
		393	0.2016
		395	0.1512
21	डावल	120	0.0072
		121	0.1872
		119	0.0040
		122	0.3096
		114	0.1224
		113	0.1880
22	सालरी	109	0.2232
		1010	0.0360
		1007	0.2376
		1008	0.0020
		1009	0.0072
		1002	0.1512
		1000	0.0864
		997	0.0144
		995	0.0432
		994	0.2448
		853	0.0072
		854	0.0040
		991	0.2088
		990	0.1008
		989	0.0432
		858	0.1512
		930	0.0144
		954	0.0432

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
22	सालरी (जारी.....)	955	0.2088
		956	0.0072
		957	0.0288
		958	0.0576
		963	0.1008
		960	0.0072
		964	0.0504
		930	0.0288
		925	0.0648
		937	0.0144
		924	0.0936
		921	0.0792
		920	0.0720
		918	0.1728
		1077	0.0216
23	सेमली कल्याण	266	0.0360
		268	0.1872
		255	0.0220
		257	0.0360
		246	0.1008
		253	0.1080
		251	0.0936
		250	0.1584
		239	0.2952
		234	0.0288
		330	0.0040
		331	0.1728
		332	0.0150
		227	0.1010
		230	0.0150
		176	0.0880
		177	0.0504
		178	0.1296

[फा०सं०आर०-31015/84/2004-ओ आर-II]
हरीश कुमार अवर सचिव

New Delhi, the 15th September, 2005

S. O. 4313.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.1705, dated 3rd May, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 7th May, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh, to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 26th June, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in said land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL : PIDAWA		DISTRICT : JHALAWAR	STATE : RAJASTHAN
S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	SARKHEDI	977	0.0648
		952	0.1224
		953	0.0072
		976	0.2232
		975	0.2376
		973	0.1944
		966	0.1584
		669	0.1368
		667	0.0792
		555	0.0216
		556	0.2664
		559	0.0720
		560	0.1008
		561	0.1440
		563	0.0864
		564	0.0360
		591	0.0144
		592	0.0648
		593	0.1224
		511	0.0288
		508	0.0020
		510	0.1440
		470	0.2376
		452	0.2016
		441	0.1944
		442	0.0360
		443	0.0936
		444	0.1440
		445	0.2592
		446	0.0040
2	RAMPURIYA	432	0.0576
		672	0.0288
		671	0.0504
		670	0.0072
		679	0.0432
		681	0.2232
		683	0.1440
		686	0.1440
		687	0.0072
		689	0.3672
		669	0.0360
		690	0.0432
		691	0.0072
		668	0.0360
		667	0.0216
		666	0.1512
		646	0.1800
		644	0.1152
		643	0.1224
		641	0.2088
		597	0.0144
		542	0.2232
		544	0.0144
		545	0.0576

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
2	RAMPURIYA (CONTD...)	547	0.0360
		548	0.0288
		549	0.0072
		550	0.0504
		551	0.0432
		552	0.0504
		573	0.0648
		190	0.0288
		179	0.0144
		185	0.1440
		189	0.1080
		187	0.1224
		227	0.0360
		221	0.0072
		228	0.1080
		229	0.1728
		230	0.0040
		231	0.0288
		232	0.0792
		245	0.2232
		247	0.1800
		248	0.1440
		121	0.0720
		120	0.0504
		119	0.3528
		118	0.0720
		115	0.2808
		111	0.1008
		110	0.0288
		81	0.0720
		85	0.1440
		82	0.1008
		84	0.0040
		83	0.0288
3	RAMTI	172	0.0504
		173	0.1224
		171	0.2880
		169	0.0144
		147	0.2880
		142/540	0.0072
		140	0.2520
		139	0.1080
		138	0.0360
		137	0.1440
		134	0.1440
		135	0.0144
		130	0.0144
		93	0.1080
		96	0.1440
		97	0.2016
		98	0.0648
		99	0.1512
		76	0.0360
		73	0.0144
4	SHERPUR	51	0.1584
		67	0.5472
		64	0.0216
		59	0.2880
		653	0.0288
		652	0.1944
		626	0.0072
		627	0.2592

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
4	SHERPUR (CONTD...)	628	0.2016
		629	0.2016
		621	0.2304
		620	0.0216
		604	0.2592
		603	0.0864
		602	0.2232
		601	0.0720
		594	0.0576
		338	1.6632
		337	0.0288
		336	0.2664
		332	0.0648
5	DAULATPURA	331	0.1584
		349	0.0432
		342	0.0720
		348	0.1080
		347	0.1296
		349	0.6552
		350	0.0040
		384	0.0072
		354	0.2376
		357	0.3312
		360	0.0144
		304	0.2376
		527/302	0.1224
		524/302	0.2376
		521/301	0.0864
		522/301	0.2160
		525/301	0.2520
		268	0.2448
		267	0.0040
		266	0.0144
		264	0.1872
		263	0.1008
		260	0.1440
		258	0.2376
		257	0.1440
6	DHARONIYA	256	0.1512
		1717	0.8208
		1718	0.3744
		1734	0.0216
		1790/1945	0.1728
		1790/2009	0.0216
		1791	0.0864
		1789	0.0216
		1773	0.1440
		1776	0.0864
		1777	0.1080
		1779	0.1440
		1780	0.1440
		1781	0.0072
		1782	0.0864
		1783	0.1656
		1784	0.0216
		1767	0.0144
		1807	0.0216
		1809	0.1872
		1856	0.0072
		1820	0.0936
		1819	0.0040
		1821	0.0864

S.No.		NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE		
1	2		3	4		
6	DHARONIYA (CONTD...)		1822	0.0864		
			1847	0.0864		
			1846	0.0040		
			1846	0.0576		
			1872	0.0792		
			1839	0.1224		
			1838	0.0936		
			1837	0.0792		
			1835	0.1368		
			1833	0.0360		
			166	0.1296		
			167	0.0504		
			168	0.0432		
			186	0.2088		
7	NIMAHEDA		185	0.0720		
			187	0.2304		
			196	0.0432		
			195	0.0792		
			194	0.1440		
			199	0.0216		
			193	0.0288		
			200	0.1224		
			201	0.0720		
			447	0.0720		
			448/561	0.0576		
			448/562	0.0504		
			448/563	0.0504		
			448/564	0.0720		
			452	0.0144		
			526	1.5192		
		8	KACHRA KHEDI		661/700	0.0936
					661/701	0.0288
					661/705	0.0288
	661			0.6120		
	654			0.0360		
	650			0.0792		
	649			0.0288		
	645			0.1368		
	644			0.0504		
	642			0.1584		
	638			0.0864		
	639			0.0216		
	437			0.1080		
	630			0.1512		
	631			0.0216		
	629			0.0144		
	521			0.0036		
	522			0.0072		
	523			0.0576		
	520			0.0072		
	524	0.0864				
	525	0.1080				
	526	0.0072				
	528	0.0720				
	529	0.0144				
	533	0.0792				
	538	0.1512				
	536	0.0144				
	537	0.0144				
	539	0.0360				
	603	0.0648				
	604	0.0936				

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
8	KACHRA KHEDI (CONTD...)	601	0.0792
		600	0.0648
		599	0.0792
		599/729	0.1080
		598	0.0216
9	FATEHGARH	597	0.2664
		581/1109	0.0216
		581	0.0576
		580	0.0216
		525/1082	0.1584
		515	0.0288
		517	0.0792
		518	0.1008
		519	0.2304
		524	0.0720
		521	0.1224
		522	0.0144
		523/1107	0.0360
		545	0.1368
		523/1108	0.0360
		523	0.0216
		506	0.1368
		546	0.0288
		547	0.0288
		497/1173	0.0072
		497	0.0576
		490/1104	0.0020
		490	0.0268
		489	0.0648
		488	0.0288
		487	0.0072
		486	0.0720
		485	0.0020
		481	0.0288
		478	0.0936
		479	0.0144
		475	0.0288
		474	0.0504
		473	0.0216
		472	0.0144
		470	0.0576
		471	0.0144
		468	0.0144
		463	0.0144
		466	0.0072
		465	0.0288
		459	0.0576
		455/1172	0.1728
		454/1171	0.0432
		446	0.0216
		757	0.0576
		758	0.1008
		422	0.0144
		759	0.0216
		444	0.0020
		428	0.0720
		427	0.0936
		424	0.0648
		423	0.0288
		421	0.0648
		420	0.0360
		419	0.0360

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
9	FATEHGARH (CONTD...)	417	0.0432
		418	0.0072
		413	0.0216
		411	0.0020
		412	0.0432
		409	0.0216
		408	0.0288
		405/1100	0.0040
		405	0.0288
		404	0.1080
		400	0.0288
		399	0.0432
		403	0.0072
		385	0.0360
		384	0.1872
		383	0.0144
		380	0.0792
		379	0.0504
		823/1122	0.1224
		823	0.1584
		824	0.0072
		825	0.1080
		927	0.3816
		928	0.1368
		923	0.2664
		922	0.0360
		921	0.0864
		920	0.0792
		901	0.1440
		902	0.1512
		912	0.0288
10	KHIJARPUR	6	0.1800
		7	0.0720
		9	0.2664
		28	0.0864
		29	0.1008
		30	0.0936
		31	0.1944
		33	0.0792
		35	0.2592
		36	0.0576
		79	0.0576
		99	0.0072
		102	0.2736
		78	0.1296
		115	0.1080
		116	0.0936
		125	0.0648
		128	0.0216
		129	0.1296
		124	0.0072
		123	0.0040
		144	0.1296
		145	0.0288
		159	0.0144
		158	0.0792
		160	0.0288
		186	0.0144
		187	0.0432
		185	0.0040
		179	0.0040
		190	0.0864

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
10	KUNJARPUR (CONTD...)	192	0.0360
		193	0.0144
		194	0.0020
		196	0.0504
		195	0.0144
		199	0.0576
		200	0.0432
		396	0.0936
		395	0.1152
		397	0.0864
		394	0.1152
		458	0.0144
		398	0.3096
		455	0.0020
		399	0.0020
		401	0.0216
		402	0.0360
		421	0.0576
		422	0.0432
		427	0.1944
		428	0.0432
		429	0.0144
		430	0.0040
		197	0.0288
11	BANOR	927	0.0144
		917	0.1296
		918	0.0144
		919	0.0360
		920	0.0144
		921	0.2160
		943	0.0216
		942	0.1584
		941	0.1080
		940	0.1152
		939	0.0936
		946	0.0360
		950	0.1296
		949	0.0648
		956	0.1296
		957	0.0144
		959	0.0288
		958	0.0072
		984	0.1008
		955	0.1440
		960	0.1224
12	ASONDIYA	983	0.0648
		982	0.0040
		2	0.2376
		3	0.0144
		4	0.0216
		5	0.1440
		5/407	0.0864
		13/409	0.1944
		36	0.1440
		35	0.0144
		34	0.0864
		37	0.0144
		33	0.0864
		15	0.0144
		20	0.4104
		96	0.0144
		99	0.1800

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
12	ASONDIYA (CONTD...)	102	0.1296
		101	0.0792
		103	0.1728
		106	0.0936
		106	0.0936
		107	0.0072
		121	0.0216
		120	0.0020
		122	0.1584
		131	0.1152
		130	0.3024
		129	0.0072
		128	0.0576
		161	0.0216
		13	0.0216
13	KOTRI KHURD	15	0.0288
		14	0.0360
		18	0.1080
		19	0.0072
		26	0.1944
		25	0.1368
		27	0.0072
		32	0.1944
		33	0.1944
		37	0.0144
		93	0.1872
		98	0.0504
		99	0.1008
		103	0.2592
		89	0.1152
		88	0.0144
14	SEMLI BHAWANI	87	0.2808
		82	0.2304
		81	0.2448
		71	0.0216
		70	0.2736
		251	0.0216
		253	0.2232
		259	0.1152
		258	0.0504
		257	0.0648
		260	0.0020
		256	0.2088
		247	0.1008
		246	0.0432
		243	0.0020
		266	0.0288
		305	0.0720
		306	0.1656
		319	0.1368
		320	0.2448
		323	0.0020
		322	0.1512
		321	0.0072
		324	0.0144
		422	0.2736
		419	0.0216
		420	0.3528
		421	0.0576
		407	0.4104
		456	0.1080
		406	0.0144

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
14	SEMLI BHAWANI (CONTD.....)	396	0.0216
		395	0.2088
		393	0.0576
		397	0.1368
15	BORBANDH	361	0.0144
		362	0.1368
		373	0.0144
16	DIWAL KHEDA	301	0.0072
		302	0.1008
		303	0.0792
		317	0.2664
		318	0.1368
		320	0.0144
		369	0.0144
		368	0.0144
		370	0.2160
		371	0.1728
		388	0.1080
		390	0.1728
		391	0.0216
		389	0.0072
		395	0.2520
		396	0.0144
		343	0.0040
		399	0.1728
		495	0.0072
		546	0.1368
		566	0.1080
		564	0.2016
		569	0.0072
		570	0.1440
		700	0.0216
		870	0.2808
		869	0.2088
		861	0.0144
		864	0.1224
		863	0.1584
17	MUNDLA	856	0.0720
		855	0.1296
		858	0.0072
		859	0.1008
		865	0.1152
		861	0.0040
		864	0.0936
		866	0.1224
		867	0.0936
		795	0.2304
		803	0.2016
		789	0.0040
		792	0.0020
		791	0.1368
		790	0.1368
		771	0.2880
		772	0.1584
		774	0.0504
		775	0.0072
		770	0.0216
		649	0.0144
		651	0.4608
		650	0.0020
		653	0.0216
		654	0.0720

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
17	MUNDLA (CONTD....)	656	0.1728
		657	0.0216
		658	0.0792
		661	0.0040
		176	0.0576
		667	0.0288
		668	0.0288
		669	0.0566
		670	0.1728
		671	0.0144
		537	0.0040
		535	0.1008
		542	0.0020
		534	0.0720
		523	0.0144
		533	0.1512
		531	0.1440
		528	0.0040
		529	0.0040
		530	0.0072
		312	0.0144
		313	0.0144
		314	0.0144
		315	0.0504
		316	0.0216
		317	0.0288
		319	0.0288
		320	0.0288
		321	0.0144
		322	0.0144
		323	0.0936
		324	0.0288
		340	0.1296
		300	0.0020
		339	0.0040
		341	0.0720
		359	0.0216
		358	0.0648
		360	0.0144
		357	0.0360
		354	0.0020
		368	0.0792
		367	0.0144
		371	0.0576
		370	0.0144
		372	0.0720
		378	0.0072
		377	0.1080
		376	0.0360
		375	0.0216
		389	0.1512
		393	0.0072
		388	0.0144
18	KALYANPURA	36	0.0648
		35	0.0936
		37/89	0.1008
		44	0.0216
		77	0.4032
		76	0.1296
		75	0.0288
		74	0.1152
		48	0.0020

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
18	KALYANPURA (CONTD....)	49	0.0072
		57	0.1512
		51	0.0216
		52	0.0216
		53	0.0504
		54	0.0576
		55	0.0040
		56	0.0576
		28	0.0648
		59	0.1080
		60	0.0864
		43	0.0288
19	BAJRANGPURA	59	0.0360
		57	0.0576
		58	0.2160
		56	0.0504
		54	0.1152
		6	0.0216
		7	0.0504
		8	0.0360
		9	0.1224
		10	0.0576
		11	0.0576
		12	0.0792
		45	0.2160
		44	0.0360
		43	0.1800
		42	0.0288
		22	0.0144
20	RAGHUNATHPURA	29	0.1008
		28	0.0504
		246	0.0072
		247	0.0288
		248	0.0144
		249	0.1296
		250	0.0072
		251	0.1296
		234	0.1152
		230	0.1656
		231	0.0040
		232	0.2160
		289	0.0792
		233	0.0864
		192	0.2088
		193	0.1656
		191	0.0144
		189	0.0144
		239	0.0216
		184	0.0040
		127	0.1368
		126	0.0288
		125	0.1368
		129	0.0144
		131	0.0040
		130	0.0040
		150	0.1440
		149	0.2232
		148	0.1368
		147	0.0792
		145	0.0288
		144	0.0144
		361	0.0216
		363	0.0504
		364	0.0936
		367	0.0040
		365	0.0288
		366	0.1368
		354	0.0576
		369	0.0864

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
20	RAGHUNATHPURA (CONTD....)	370	0.1384
		387	0.1440
		388	0.0072
		388	0.1296
		389	0.1728
		392	0.2304
		391	0.0040
		393	0.2016
		395	0.1512
21	DAWAL	120	0.0072
		121	0.1872
		119	0.0040
		122	0.3088
		114	0.1224
		113	0.1880
		109	0.2232
22	SALRI	1010	0.0360
		1007	0.2376
		1008	0.0020
		1009	0.0072
		1002	0.1512
		1000	0.0884
		997	0.0144
		995	0.0432
		984	0.2496
		853	0.0872
		854	0.0040
		991	0.2088
		990	0.1008
		989	0.0432
		858	0.1512
		930	0.0144
		954	0.0432
		955	0.2088
		956	0.0072
		957	0.0288
		958	0.0576
		963	0.1008
		960	0.0072
		964	0.0504
		930	0.0288
		925	0.0648
		937	0.0144
		924	0.0936
		921	0.0792
		920	0.0720
		918	0.1728
23	SEMLI KALYAN	1077	0.0216
		266	0.0360
		268	0.1872
		255	0.0220
		257	0.0360
		246	0.1008
		253	0.1080
		251	0.0936
		250	0.1584
		239	0.2952
		234	0.0288
		330	0.0040
		331	0.1728
		332	0.0150
		227	0.1010
		230	0.0150
		176	0.0880
		177	0.0504
		178	0.1296

[F.N. R-31015/ 84/2004-OR-II]
HARISH KUMAR, Under Secretary

नई दिल्ली, 14 नवम्बर, 2005

का. आ. 4314.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) जिसे इसमें इसके परवर्तित अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2850 तारीख 9 अगस्त, 2005, जो भारत के राजपत्र तारीख अगस्त 7- अगस्त 13, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में नूमालीमद (असम राज्य) से शिलिगुरी (पश्चिम बंगाल राज्य) तक पेट्रोलियम उत्पादों के परिवहन के लिए नूमालीमद शिलिगुरी पाइपलाइन प्रसारण परियोजना के माध्यम से आर्यल इंडिया लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 20.09.2005 को उपलब्ध करा दी गई थी ;

और सदस्य प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, ओर यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विलम्बों से मुक्त, आर्यल इंडिया लिमिटेड में निहित होगा।

अनुसूची

पुलिस थाना : समुखतला			जिला : जलपाईगुड़ी		राज्य : पश्चिम बंगाल		
क्रम सं.	गाँव का नाम	अधिकारिता सूचि संख्या	पुराना प्लॉट संख्या	नया प्लॉट संख्या	क्षेत्रफल		
					हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	उत्तर पारोकठा	129	412	412	0	02	53
			409	409	0	00	78
			1523	1523	0	01	31
2	बेपानी	127	1522	1522	0	01	16
			1521	2317	0	09	09

[फा. सं. ओ-12016/2/2005-ओ.एन.जी/डी.ओ.-IV]

ओ. पी. बनवारी, अवर सचिव

New Delhi, the 14th November, 2005

S. O. 4314.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O 2850, dated the 9th August 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the August 7 – August 13, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products through Numaligrah Siliguri Pipeline Expansion Project from Numaligarh in the State of Assam to Siliguri in State of West Bengal by Oil India Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 20-09-2005.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted his report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Oil India Limited, free from all encumbrances.

SCHEDULE

Police Station : Samuktala			District : Jalpaiguri		State : West Bengal		
Sl. No.	Name of the Village	Jurisdiction List No.	Old Plot No.	New Plot No.	Area		
					Hectare	Are	Square Metre
1	2	3	4	5	6	7	8
1	Uttar Parokata	129	412	412	0	02	53
			409	409	0	00	78
2	Chepani	127	1523	1523	0	01	31
			1522	1522	0	01	16
			1521	2317	0	09	09

[F. No. O-12016/2/2005-O.N.G./D.O.-IV]
O. P. BANWARI, Under Secy.

नई दिल्ली, 14 नवम्बर, 2005

कं. आ. 4315.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या क. आ. 2851 तारीख 9 अगस्त, 2005, जो भारत के राजपत्र तारीख अगस्त 7- अगस्त 13, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में नूमालीमद (असम राज्य) से शिलिगुरी (पश्चिम बंगाल राज्य) तक पेट्रोलियम उत्पादों के परिवहन के लिए नूमालीमद शिलिगुरी पाइपलाइन प्रसारण परियोजना के माध्यम से आर्थल इंडिया लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 20.09.2005 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, ओर यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी वित्तीयों से मुक्त, आर्थल इंडिया लिमिटेड में निहित होगा।

अनुसूची

पुलिस थाना : गाल		जिला : जलपाईगुरी			राज्य : पश्चिम बंगाल		
क्रम सं.	गाँव का नाम	अधिकारिता भूमि संख्या	पुराना प्लॉट संख्या	नया प्लॉट संख्या	क्षेत्रफल		
					हेक्टेयर	एकर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	हम्य हम्य पायार चाय बगान	43	360	519	00	00	33
2	बाजराकोय चाय बगान	11	627	627	0	00	28
			643	662	0	06	46

[फा. सं. ओ-12016/2/2005-ओ.एन.जी/डी.ओ.-IV]

ओ. पी. बनवारी, अवर सचिव

New Delhi, the 14th November, 2005

S. O. 4315.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O 2851, dated the August, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the August 7 – August 13, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products through Numaligarh Siliguri Pipeline Expansion Project from Numaligarh in the State of Assam to Siliguri in State of West Bengal by Oil India Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 20-09-2005.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted his report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Oil India Limited, free from all encumbrances.

SCHEDULE

Police Station : Mal		District : Jalpaiguri			State : West Bengal		
Sl No.	Name of the Village	Jurisdiction List No.	Old Plot No.	New Plot No.	Area		
					Hectare	Are	Square Metre
1	2	3	4	5	6	7	8
1	Hai Hai Pather Tea Garden	43	360	519	00	00	33
2	Bagrakote Tea Garden	11	627	627	00	00	28
			643	662	00	06	46

[F. No. O-12016/2-2005-O.N.G./D.O.-IV]

O P BANWARI, Under Secy.

नई दिल्ली, 14 नवम्बर, 2005

का. आ. 4316.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पदार्थों का (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2852 तारीख 9 अगस्त, 2005, जो भारत के राजपत्र तारीख अगस्त, 7- अगस्त 13, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में नूमालीगढ़ (असम राज्य) से शिलिगुरी (पश्चिम बंगाल राज्य) तक पेट्रोलियम उत्पादों के

परिष्कार के लिए नूतनीकृत शिलिगुरी पाइपलाइन प्रसारण परियोजना के माध्यम से आर्थल इंडिया लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 20.09.2005 को उपलब्ध करा दी गई थी;

और सदस्य प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, ओर यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगनों से मुक्त, आर्थल इंडिया लिमिटेड में निहित होगा।

अनुसूची

पुलिस थाना : मठली		जिला : जलपाइगुड़ी			राज्य : पश्चिम बंगाल		
क्रम सं.	जॉब का नाम	अधिकारिता सूचि संख्या	पुराना प्लॉट संख्या	नया प्लॉट संख्या	क्षेत्रफल		
					हेक्टेयर	एयर	वर्ग मीटर
1	सातकाया चाय बंगाल	18	112	112	0	05	47
			113	113	0	25	98
			111	112	0	08	68
2	सोनमाछी चाय बंगाल	4	544	643	0	8	32
			545	645	0	02	00
			546	646	0	10	68
			547	649	0	07	22
			548	648	0	02	78
			549	650	0	00	81
			550	651	0	00	81
			551	653	0	03	82
			242	652	0	01	43
			240	654	0	00	58
			241	296	0	03	57
				293	0	01	35
				292			
				294			
				295			
				291			

[फा. सं. ओ-12016/2/2005 ओ.एन.जी/डी.ओ.-IV]

ओ. पी. बनवारी, अवर सचिव

New Delhi, the 14th November, 2005

S. O. 4316.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O 2852, dated the 9th August, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1982 (50 of 1982) (hereinafter referred to as the said Act), published in the Gazette of India dated the AUGUST 9 – AUGUST 13, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products through Numaligarh-Siliguri Pipeline Expansion Project from Numaligarh in the State of Assam to Siliguri in State of West Bengal by Oil India Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 20-09-2005.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted his report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Oil India Limited, free from all encumbrances.

SCHEDULE

Police Station : Mateli		District : Jalpaiguri			State : West Bengal		
Sl. No.	Name of the Village	Jurisdiction List No.	Old Plot No.	New Plot No.	Area		
					Hectare	Acre	Square Metre
1	2	3	4	5	6	7	8
1	Sathkaya tea garden	18	112	112	0	05	47
			113	113	0	25	98
			111	112	0	08	68
2	Songachhi tea garden	4	544	643	0	8	32
				644			
			545	645	0	02	10
			546	646	0	10	68
				647			
			547	649	0	07	22
				648			
			548	650	0	02	78
				651			
			549	549	0	00	81
			550	653	0	03	82
				652			
			551	654	0	01	43
			242	296	0	00	58
				293			
			240	292	0	03	57
				294			
			241	295	0	01	35
				291			

[F. No. O-12016/2/2005-O.N.G./D.O.-IV]

O. P. BANWARI, Under Secy.

नई दिल्ली, 14 नवम्बर, 2005

का.आ. 4317.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2139 तारीख 16 जून, 2005, जो भारत के राजपत्र तारीख 18 जून, 2005, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मुद्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के माध्यम से गुजरत राज्य में मुद्रा से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 1 अगस्त, 2005, को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने के बजाए, इस मंत्रालय के सहमति पत्र सं. आर - 31015/7/03 - ओ.आर.-II दिनांक 25/11/2004 द्वारा लगाई गई शर्तों के अधीन सभी विल्लंगनों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तालूका : काकरेज		जिला : बनासकांठ		राज्य : गुजरात		
क्रम सं.	गाँव का नाम	खसरा सं.	उप खण्ड सं.	क्षेत्रफल		
1	2	3	4	हेक्टेयर	एयर	वर्ग मीटर
1.	मांडला	591	पी1	0	25	89
2.	माना जामपुर	146	पी2	0	26	01
3.	आंगमवाडा	201	1	0	07	48
		201	2	0	00	20
4.	लक्ष्मीपुरा	115		0	00	70
		146	1	0	01	69
5.	कम्बोड़	116		0	01	54
6.	रानेर	1148	पी1	0	00	79
		1149		0	04	60
		1135		0	00	50
		1136		0	19	34
		1120		0	02	36
		1119		0	22	07
		1117		0	11	45
		1112		0	17	93
		1113	पी1	0	05	32
		1078		0	10	93
		1077	पी1	0	18	53
		684	पी1	0	15	10
		696	पी2	0	21	38
		695		0	15	67
		698		0	16	67
		699	1पी1	0	09	26
		699	3	0	09	26
		699	4पी4	0	12	11
		699	2पी2	0	10	98
		706		0	17	10
		705		0	00	28
		709		0	15	96
		710		0	18	88
	रास्ता खसरा संख्या 710 और 715 के बीच में			0	00	10
		715		0	22	95
		716		0	11	40
		617	पी1	0	12	82
		616		0	17	82

तालूका : कांकरज		जिला : बनासकांठ		राज्य : गुजरात		
क्रम सं.	गाँव का नाम	खसरा सं.	उप खण्ड सं.	क्षेत्रफल		
				हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6	7
6.	रानेर (जारी...)	615	1	0	06	55
		602		0	02	35
		607		0	13	54
		604		0	19	24
		605		0	40	62

[फा. सं. आर-31015/38/2004-ओ.आर II]

हरीश कुमार, अवर सचिव

New Delhi, the 14th November, 2005

S. O. 4317—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2139 dated the 16th June, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 18th June, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products from Mundra in the State of Gujarat to Delhi through Mundra-Delhi Petroleum Product Pipeline by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 1st August, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of this declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances, subject to the conditions imposed vide this Ministry's consent letter no. R-31015/7/2003-OR-II dated 25-11-2004.

SCHEDULE

Taluk : KANKREJ		District : BANASKANTHA		State : GUJARAT		
Sr. No.	Name of Village	Survey no.	Sub-Division No.	Area		
				Hectare	Are	Sq.mtr.
1	2	3	4	5	6	7
1.	MANDLA	591	P1	0	25	89
2.	NANA JAMPUR	146	P2	0	26	01
3.	ANGANWADA	201	1	0	07	48
		201	2	0	00	20
4.	LAXMIPURA	115		0	00	70
		146	1	0	01	69
5.	KAMBOI	116		0	01	54
6.	RANER	1148	P1	0	00	79
		1149		0	04	60
		1135		0	00	50
		1136		0	19	34
		1120		0	02	36
		1119		0	22	07
		1117		0	11	45
		1112		0	17	93
		1113	P1	0	05	32
		1078		0	10	93
		1077	P1	0	18	53
		684	P1	0	15	10
		696	P2	0	21	38
		695		0	15	67
		698		0	16	67
		699	1P1	0	09	26
		699	3	0	09	26
		699	4P4	0	12	11
		699	2P2	0	10	98
		706		0	17	10
		705		0	00	28
		709		0	15	96
		710		0	18	88
		Cart track in between survey no.710&715		0	00	10
		715		0	22	95
		716		0	11	40
		617	P1	0	12	82
		616		0	17	82

Taluk : KANKREJ		District : BANASKANTHA		State : GUJARAT		
No.	Name of Village	Survey no.	Sub-Division No.	Area		
				Hectare	Are	Sq.mtr.
1	2	3	4	5	6	7
6.	RANER (Contd...)	615	1	0	06	55
		602		0	02	35
		607		0	13	54
		604		0	19	24
		605		0	40	62

[No. R-31015/38/2004-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 14 नवम्बर, 2005

आ. आ. 4318.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1388 तारीख 11 अप्रैल, 2005, जो भारत के राजपत्र तारीख, 16 अप्रैल, 2005, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मुद्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के माध्यम से गुजरात राज्य में मुद्रा से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 15 जून, 2005, को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने के बजाए, इस मंत्रालय के सहमति पत्र सं. आर - 31015/7/03 ओ.आर.-II दिनांक 25/11/2004 द्वारा लगाई गई शर्तों के अध्याधीन सभी विलंगनों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : मारवाड़ जंक्शन		जिला : पाली	राज्य : राजस्थान		
क्रम	गाँव का नाम	खसरा सं.	क्षेत्रफल		
सं.			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
1.	कोलपुरा	297	0	03	76
		284 (स. रास्ता)	0	00	50
		278	0	06	38
2.	गुडा केसरसिंह	552	0	01	92
		546	0	02	95
3.	बडी	544/341	0	03	87
		360	0	02	35
		366	0	01	93
		470	0	04	73
		181	0	02	13
		180	0	01	19
		165	0	03	55
4.	माण्डा	1506	0	04	71
		1452	0	16	01
		1446	0	03	61
5.	कन्यालिया	503	0	00	33

[फा. सं. आर-31015/47/2004-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 14th November, 2005

S. O. 4318.— Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1388 dated the 11th April, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962); (hereinafter referred to as the said Act), published in the Gazette of India dated the 16th April, 2005, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products from Mundra in the State of Gujarat to Delhi through Mundra-Delhi Petroleum Product Pipeline by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 15th June, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances, subject to the conditions imposed vide this Ministry's consent letter no. R-11015/7/03 OR-II dated 25-11-2004.

SCHEDULE

Tehsil : MARWAR JUNCTION		District : PALI	State : RAJASTHAN		
Sr. No.	Name of the Village	Khasara No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
1. KOLPURA		297	0	03	76
		284 (G/L Cart Track)	0	00	50
		278	0	06	38
2. GUDA KESHARSINGH		552	0	01	92
		546	0	02	95
3. BADI		544/341	0	03	87
		360	0	02	35
		366	0	01	93
		470	0	04	73
		181	0	02	13
		180	0	01	19
		165	0	03	55
4. MANDA		1506	0	04	71
		1452	0	16	01
		1446	0	03	61
5. KANTALIYA		503	0	00	33

[No. R-31015/47/2004-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 14 नवम्बर, 2005

का. आ. 4319.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2138 तारीख 14 जून, 2005, जो भारत के राजपत्र तारीख 18 जून, 2004, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मुन्द्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के माध्यम से गुजरात राज्य में मुन्द्रा से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 3 अगस्त, 2005, को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का निमिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, इस मंत्रालय के सहमति पत्र सं. आर - 31...5/7/03-ओ.आर-II दिनांक 25/11/2004 द्वारा लगाई गई शर्तों के अधीन सभी विल्लंगनों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : रायपुर		जिला : पाली	राज्य : राजस्थान		
क्रम	गोंव का नाम	खसरा सं.	क्षेत्रफल		
सं.			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
1.	चावण्डीया खुर्द	521	0	04	67
		520	}	00	95
		520/1			
		519(स.वाली)	0	00	10
		540	}	02	08
		540/1			
		525(स.चारागाह)	0	00	37
		502(स.रास्ता)	0	01	58
		462(स.रास्ता)	0	00	08
		407(स.भूमि)	0	01	62
		390	0	01	95
		389	0	00	55
		373	0	01	91
		372	0	00	82
		339	0	00	17
		340	0	00	38
		330(स.वाली)	0	00	18
		328	0	00	24
		327	0	01	37
		288(स.वाली)	0	01	63
		297	0	07	11
		301	0	00	98
2.	श्रीवल	2751(स.थरड़ा)	0	02	75
		2749	0	00	96
		2750	0	04	19
		2746	0	07	30
		2736	0	00	37
		2729(स.वाली)	0	00	66
		2602	0	01	82
		2603(स.वाली)	0	00	11
		2618	0	04	74
		2626	0	04	22
		2632	0	00	89
		2644	0	01	79
		2643	0	01	00
		2656	0	01	02
		2660(स.रास्ता)	0	01	06
		2516	0	00	91

तहसील : रायपुर		जिला : पाली	राज्य : राजस्थान		
क्रम	गाँव का नाम	खसरा सं.	क्षेत्रफल		
सं.			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
2.	खीवल (जारी...)	2514	0	00	91
		2511	0	01	04
		2509	0	01	12
		2512	0	00	61
3.	मोहरा खुर्द	119(स.भूमि)	0	02	14
		117	0	03	56
		110(स.वाली)	0	00	20
		20	0	01	28
		15	0	00	91
		23	0	00	12
		14(स.वाली)	0	00	09
		12	0	01	21
		1	0	03	75
4.	लवावा	268(स.भूमि)	0	00	94
		252	0	00	82
		237	0	03	30
		220/1	0	00	20
		45	0	29	85
		38	0	00	92
		68मिन	0	00	87
5.	दीपावास	40	0	03	11
		64(स.नदी)	0	05	65
		474/64/1	0	14	63
		489/64	0	00	20
		467/64	0	21	67
		286	0	00	18
		294	0	00	72
		131	0	01	51
		130	0	04	79
		138	0	02	18
		139	0	00	46
		142	0	00	36
		149	0	01	18
		151	0	00	86
		161मिन01	0	01	57
		161मिन02			
		170(स.भूमि)	0	05	11
		174(स.भूमि)	0	05	79
6.	रायपुर	1025(स.पहाड़)	0	00	86
		1021	0	01	69
		1017	0	02	26

तहसील : रायपुर		जिला : पाली	राज्य : राजस्थान			
क्रम	सं.	गाँव का नाम	खसरा सं.	क्षेत्रफल		
1				हेक्टेयर	एयर	वर्ग मीटर
1		2	3	4	5	6
7.	मेगदडा		31	0	00	84
			21	0	04	11
			23	0	00	31
			1	0	00	52
			2	0	02	58
8.	माकडवाली		33	0	03	48
			36	0	01	90
			54	0	00	90
			56	0	00	99
			62	0	01	04
			70	0	01	13
			78	0	00	42
			79	0	00	56
9.	बर		592	0	01	65
			685	0	01	30
			682	0	00	51
			709	0	01	00
			738मिन	0	01	62
			111/2	0	01	71
			114	0	00	50
			145(स.रास्ता)	0	00	46
			147	0	00	61
			152	0	00	86
			237	0	01	29
			257	0	01	51
			262	0	00	39
			277	0	00	49
			295(पी.डब्ल्यू.डी.सड़क)	0	00	41
10.	बिराटिया कलां		1019	0	01	36
			976	0	00	95
			971(स.रास्ता)	0	00	17
			968(स.रास्ता)	0	00	25
			932मिन0	}	02	11
			932मिन01			
			922	0	13	31
			928	0	00	31
11.	बिराटिया खुर्द		750	0	02	00
			695	0	01	81
			53	0	10	77
			55(स.रास्ता)	0	00	96
			69	0	01	03

तहसील : रायपुर		जिला : पाली	राज्य : राजस्थान		
क्रम	गौव का नाम	असरा सं.	क्षेत्रफल		
सं.			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
11.	बिराटिया खुर्द (जारी...)	86	0	02	66
		230	0	04	06
	228(स.वाली)		0	07	11
	118		0	01	88
	123		0	00	60
	206/2132		0	00	20
	205(स.वाली)		0	00	33
	200		0	02	36
	201		0	03	05
	191(स.वाली)		0	00	07
	188		0	05	22
	291		0	00	20
	293		0	00	50
	294		0	01	85
	310(स.वाली)		0	00	71
	311		0	00	84
	317		0	05	70
	316(स.चट्टान)		0	02	74
	315		0	00	84
	272		0	08	23
12. गिरी	1338		0	02	13
	1339(स.रास्ता)		0	01	34
	1298		0	01	51
	1295		0	03	32
	1372(स.नदी)		0	00	49
	1376(स.थरड़ा)		0	01	22
	1402		0	15	95
	1421		0	01	00
	1198(स.रास्ता)		0	00	11
	1458		0	02	40
	1139		0	00	47
	1140(स.नदी)		0	00	81
	1141		0	00	17
	1142		0	01	52
	926(स.रास्ता)		0	00	45
	906		0	01	02
	312(स.नदी)		0	04	34
	248(स.नदी)		0	15	82

महसील : रायपुर		जिला : पाली	राज्य : राजस्थान		
क्रम	सं.	गोंध का नाम	खसरा सं.	क्षेत्रफल	
1	2	3	4	5	6
12.	मिरी (जारी...)	270	0	03	54
		271	0	00	72
		285	0	00	34
		286	0	02	25
		287	0	01	79
		313(स.रास्ता)	0	03	51
13.	नारपुरा	489	0	03	41
		481	0	00	78
		474	0	00	73
		475	0	02	42
		466	0	00	79
		466/1			
		462	0	01	05
		436	0	00	89
		455	0	00	36
		437	0	06	20
		448/6	0	01	00
		448/7	0	00	50
		422/3	0	02	79
		401	0	00	53
		391(स.मदी)	0	00	42
14.	रामावास	470	0	00	58
		468	0	00	75
		479(स.भूमि)	0	01	00
		401(स.रास्ता)	0	00	42
15.	बाबरा	1870(स.पहाड़)	0	03	65
		1871	0	03	27
		1805	0	01	29
		1800(स.वाला)	0	01	11
		1732	0	01	19
		1731	0	01	69
		1739	0	02	08
		1747	0	00	43
		1770	0	27	75
		1753	0	00	26
		1765	0	03	30
		1764	0	01	00
		1756	0	02	18
		2227	0	03	12
		2232	0	03	00

तहसील : रायपुर		जिला : पाली	राज्य : राजस्थान		
क्रम	गौव का नाम	असरा सं.	क्षेत्रफल		
सं.			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
15. बाबरा (जारी...)		2235	0	00	80
		2239(स.रास्ता)	0	00	56
		2244	0	01	03
		2266	0	00	80
		2269	0	01	94
		2271	0	01	51
		2272(स.रास्ता)	0	00	89
16. गोपालपुरा		1686	0	01	89
		1685	0	02	65
		1683(स.पहाड़)	0	00	44
		1644	0	02	49
		1696(स.वि.पहाड़)	0	93	74
		1701(स.चारागाह)	0	02	65
		1699(स.वाला)	0	03	23
		1698	0	01	25
		1712	0	01	72
17. रामगढ		905	0	00	40
		816	0	00	81
		795	0	01	88
		798	0	04	19
		804	0	02	55
		803	0	00	40
		668	0	00	30
		679	0	03	94
		667	0	00	71
		669	0	00	66
18. कोलपुरा		2612	0	02	74
		2623(स.वाला)	0	01	21
		702	0	02	08
		710(स.पहाड़)	0	00	91
		786	0	00	20
19. मोहरा		44(स.भूमि)	0	03	60
		18	0	01	51
		29	0	03	25
		30(स.पहाड़)	0	01	22
		32(स.पहाड़)	0	07	68
		133/1	0	01	00
		136	0	00	50
		140(स.वाला)	0	00	19
		146(स.पहाड़)	0	07	68
		150	0	06	44

तहसील : रायपुर		जिला : पाली	राज्य : राजस्थान		
क्रम	गाँव का नाम	खसरा सं.	क्षेत्रफल		
सं.			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
20. सुमेल		405	0	00	81
		372	0	00	32
		381	0	00	28
		382	0	00	27
		1510(स.भाकर)	1	14	65
		1057(स.चारागाह)	0	05	35
		1079	0	03	14
		1068	0	00	18
		1063	0	00	93
		1064	0	00	40
		1059(स.भूमि)	0	00	11
		1055	0	04	67
21. नाहरगढ		1042(स.चारागाह)	0	09	78
		1379(स.भाकर)	0	02	67

[फा. सं. आर-31015/51/2004-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 14th November, 2005

S. O. 4319.— Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2138 dated the 14th June, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated the 18th June, 2005, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products from Mundra in the State of Gujarat to Delhi through Mundra-Delhi Petroleum Product Pipeline by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 3rd August, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline:

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances, subject to the conditions imposed vide this Ministry's consent letter no. R-31015/7/03 OR- II dated 25-11-2004.

SCHEDULE

Tehsil : RAIPUR		District : PALI	State : RAJASTHAN			
Sr. No.	Name of the Village	Khasara No.	Area			
			Hectare	Are	Sq.mtr.	
1	2	3	4	5	6	
1. CHAVANDIYA KHURD		521	0	04	67	
		520	}	00	95	
		520/1				
		519(G/L Nala)	0	00	10	
		540	}	02	08	
		540/1				
		525(G/L Pasture)	0	00	37	
		502(G/L Cart Track)	0	01	58	
		462(G/L Cart Track)	0	00	08	
		407(G/L)	0	01	62	
		390	0	01	95	
		389	0	00	55	
		373	0	01	91	
		372	0	00	82	
		339	0	00	17	
		340	0	00	38	
		330(G/L Nala)	0	00	18	
		328	0	00	24	
		327	0	01	37	
		288(G/L Nala)	0	01	63	
		297	0	07	11	
		301	0	00	98	
	2. KHEEWAL		2751(G/L Tharda)	0	02	75
			2749	0	00	96
			2750	0	04	39
			2746	0	07	50
		2736	0	00	37	
		2729(G/L Nala)	0	00	66	
		2602	0	01	82	
		2603(G/L Nala)	0	00	11	
		2618	0	04	74	
		2626	0	04	22	
		2632	0	00	89	
		2644	0	01	79	
		2643	0	01	00	
		2656	0	01	02	
		2660(G/L Cart Track)	0	01	06	
		2516	0	00	91	

Tehsil : RAIPUR		District : PALI	State : RAJASTHAN		
Sr. No.	Name of the Village	Khasara No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
2. KHEEWAL (Contd...)		2514	0	00	91
		2511	0	01	04
		2509	0	01	12
		2512	0	00	61
3. MOHRA KHURD		119(G/L)	0	02	14
		117	0	03	56
		110(G/L Nala)	0	00	20
		20	0	01	28
		15	0	00	91
		23	0	00	12
		14(G/L Nala)	0	00	09
		12	0	01	21
		1	0	03	75
	4. LAWACHA		268(G/L)	0	00
		252	0	00	82
		237	0	03	30
		220/1	0	00	20
		45	0	29	85
		38	0	00	92
		68Min	0	00	87
		40	0	03	11
5. DEEPAWAS		64(G/L River)	0	05	65
		474/64/1	0	14	63
		489/64	0	00	20
		467/64	0	21	67
		286	0	00	18
		294	0	00	72
		131	0	01	51
		130	0	04	79
		138	0	02	18
		139	0	00	46
		142	0	00	36
		149	0	01	18
		151	0	00	86
		161Min01	}	01	57
		161Min02			
		170(G/L)	0	05	11
	174(G/L)	0	05	72	
6. RAIPUR		1025(G/L Pahad)	0	00	86
		1021	0	01	69
		1017	0	02	26

Tehsil : RAIPUR		District : PALI	State : RAJASTHAN			
Sr. No.	Name of the Village	Khasara No.	Area			
			Hectare	Are	Sq.mtr.	
1	2	3	4	5	6	
7. MEGDARA		31	0	00	84	
		21	0	04	11	
		23	0	00	31	
		1	0	00	52	
		2	0	02	58	
8. MAKARWALI		33	0	03	48	
		36	0	01	90	
		54	0	00	90	
		56	0	00	99	
		62	0	01	04	
		70	0	01	13	
		78	0	00	42	
		79	0	00	56	
	9. BAR		592	0	01	65
			685	0	01	30
		682	0	00	51	
		709	0	01	00	
		738Min	0	01	62	
		111/2	0	01	71	
		114	0	00	50	
		145(G/L Cart Track)	0	00	46	
		147	0	00	61	
		152	0	00	86	
		237	0	01	29	
		257	0	01	51	
		262	0	00	39	
		277	0	00	49	
		295(P.W.D. Road)	0	00	41	
10. BIRATIYA KALAN			1019	0	01	36
			976	0	00	95
			971(G/L Cart Track)	0	00	17
		968(G/L Cart Track)	0	00	25	
		932Min0	}	02	11	
		932Min01				
		922	0	13	31	
		928	0	00	31	
	11. BIRATIYA KHURD		750	0	02	00
		695	0	01	81	
		53	0	10	77	
		55(G/L Cart Track)	0	00	96	
		69	0	01	03	

Tehsil : RAIPUR		District : PALI		State : RAJASTHAN		
Sr. No.	Name of the Village	Khasara No.	Area			
			Hectare	Are	Sq.mtr.	
1	2	3	4	5	6	
11. BIRATIYA KHURD (Contd...)		86	0	02	66	
		230	0	04	06	
		228(G/L Nala)	0	07	11	
		118	0	01	88	
		123	0	00	60	
		206/2132	0	00	20	
		205(G/L Nala)	0	00	33	
		200	0	02	36	
		201	0	03	05	
		191(G/L Nala)	0	00	07	
		188	0	05	22	
		291	0	00	20	
		293	0	00	50	
		294	0	01	85	
		310(G/L Nala)	0	00	71	
		311	0	00	84	
		317	0	05	70	
		316(G/L Rock)	0	02	74	
		315	0	00	84	
		272	0	08	23	
	12. GIRI		1338	0	02	13
			1339 (G/L Cart Track)	0	01	34
			1298	0	01	51
			1295	0	03	32
			1372(G/L River)	0	00	49
			1376(G/L Tharda)	0	01	22
			1402	0	15	95
			1421	0	01	00
			1198(G/L Cart Track)	0	00	11
			1458	0	02	40
			1139	0	00	47
			1140(G/L River)	0	00	81
			1141	0	00	17
			1142	0	01	52
			926(G/L Cart Track)	0	00	45
			906	0	01	02
			312(G/L River)	0	04	34
			248(G/L River)	0	15	82

Tehsil : RAIPUR		District : PALI	State : RAJASTHAN		
Sr. No.	Name of the Village	Khasara No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
12. GIRI (Contd...)		270	0	03	54
		271	0	00	72
		285	0	00	34
		286	0	02	25
		287	0	01	79
		313(G/L Cart Track)	0	03	51
13. NARPURA		489	0	03	41
		481	0	00	78
		474	0	00	73
		475	0	02	42
		466	}	0	00
		466/1			
		462	0	01	05
		436	0	00	89
		455	0	00	36
		437	0	06	20
		448/6	0	01	00
		448/7	0	00	50
		422/3	0	02	79
		401	0	00	53
		391(G/L River)	0	00	42
	14. RAMAWAS		470	0	00
		468	0	00	75
		479(G/L)	0	01	00
15. BABRA		401(G/L Cart Track)	0	00	42
		1870(G/L Pahad)	0	03	65
		1871	0	03	27
		1805	0	01	29
		1800(G/L Nala)	0	01	11
		1732	0	01	19
		1731	0	01	69
		1739	0	02	08
		1747	0	00	43
		1770	0	27	75
		1753	0	00	26
		1765	0	03	30
		1764	0	01	00
		1756	0	02	18
		2227	0	03	12
		2232	0	03	00

Tehsil : RAIPUR		District : PALI		State : RAJASTHAN		
Sr. No.	Name of the Village	Khasara No.	Area			
			Hectare	Are	Sq.mtr.	
1	2	3	4	5	6	
15. BABRA (Contd...)		2235	0	00	80	
		2239(G/L Cart Track)	0	00	56	
		2244	0	01	03	
		2266	0	00	80	
		2269	0	01	94	
		2271	0	01	51	
		2272(G/L Cart Track)	0	00	89	
16. GOPALPURA		1686	0	01	89	
		1685	0	02	65	
		1683(G/L Pahad)	0	00	44	
		1644	0	02	49	
		1696(Forest Deptt. Pahad)	0	93	74	
		1701(G/L Pasture)	0	02	65	
		1699(G/L Nala)	0	03	23	
		1698	0	01	25	
		1712	0	01	72	
	17. RAMGARH		905	0	00	40
		816	0	00	81	
		795	0	01	88	
		798	0	04	19	
		804	0	02	55	
		803	0	00	40	
		668	0	00	30	
		679	0	03	94	
		667	0	00	71	
		669	0	00	66	
18. KOILPURA		2612	0	02	74	
		2623(G/L Nala)	0	01	21	
		702	0	02	08	
		710(G/L Pahad)	0	00	91	
		786	0	00	20	
19. MOHARA		44(G/L)	0	03	60	
		18	0	01	51	
		29	0	03	25	
		30(G/L Pahad)	0	01	22	
		32(G/L Pahad)	0	07	68	
		133/1	0	01	00	
		136	0	00	50	
		140(G/L Nala)	0	00	19	
		146(G/L Pahad)	0	07	68	
		150	0	06	44	

Tehsil : RAIPUR		District : PALI	State : RAJASTHAN			
Sr No.	Name of the Village	Khasara No.	Area			
			Hectare	Are	Sq.mtr.	
1	2	3	4	5	6	
20. SUMEL		405	0	00	81	
		372	0	00	32	
		381	0	00	28	
		382	0	00	27	
		1510(G/L Bhakar)	1	14	65	
		1057(G/L Pasture)	0	05	35	
		1079	0	03	14	
		1068	0	00	18	
		1063	0	00	93	
		1064	0	00	40	
		1059(G/L)	0	00	11	
		1055	0	04	67	
	21. NAHARGARH		1042(G/L Pasture)	0	09	78
			1379(G/L Bhakar)	0	02	67

[No. R-31015/51/2004-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 16 नवम्बर, 2005

का. आ. 4320.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मुन्द्रा (गुजरात) से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए — हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इस से उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री एफ. ए. बाबी, सक्षम प्राधिकारी, मुन्द्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, एच.पी.सी.एल. कंडला टर्मिनल -2, बंगलो -1, खारी रोहर, गांधीघाम-370 240, कच्छ, (गुजरात), को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालूका : राधनपुर		जिला : पाटण		राज्य : गुजरात		
क्रम सं.	गाँव का नाम	खसरा सं.	उप खण्ड सं.	क्षेत्रफल		
1	2	3	4	हेक्टेयर	एयर	वर्ग मीटर
1.	चलवाडा	127	-	0	08	64
2.	सुबापुरा	169	1पी2	0	21	02
		97	1	0	20	67

[फा. सं. आर-31015/39/2004-ओ.आर.-II]

हरीश कुमार, अवर सचिव

New Delhi, the 16th November, 2005

S. O. 4320.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Mundra (Gujrat) to Delhi, a pipeline should be laid by + Hindustan Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule, may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri. F. A. Babi, Competent Authority, Mundra-Delhi Petroleum Product Pipeline — Hindustan Petroleum Corporation Limited, HPCL, Kandla Terminal-2, Bungalow No.-1, Khari Rohar, Gandhidham -370 240, Kutch (Gujarat).

SCHEDULE

Taluk : RADHANPUR		District : PATAN		State : GUJARAT		
Sr. No.	Name of Village	Survey no.	Sub-Division No.	Area		
				Hectare	Are	Sq.mtr.
1	2	3	4	5	6	7
1.	CHALWADA	127	-	0	08	64
2.	SUBAPURA	169	1P2	0	21	02
		97	1	0	20	67

[No. R-31015/39/2004-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 17 नवम्बर, 2005

आ. आ. 4321.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 633 तारीख 21 फरवरी, 2005, जो भारत के राजपत्र तारीख 26 फरवरी, 2005, में प्रकाशित की गई थी, द्वारा अपने इस आशय की घोषणा की थी कि भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की प्रत्येक अधिसूचनाओं को, जो उसके साथ संलग्न तालिका में वर्णित हैं, निम्नलिखित निर्दिष्ट की गई शैति से संशोधित किया जाए ।

“जब कि उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने निर्देश दिया था कि मुन्द्रा-बठिण्डा अपरिष्कृत तेल पाइपलाइन बिछाने के प्रयोजन के लिए भूमि (अलग-अलग अधिसूचनाओं की अनुसूची में विनिर्दिष्ट) में प्रयोक्ता का अधिकार, इस अधिसूचना के प्रकाशन की तारीख से, केन्द्रीय सरकार में निहित होने के स्थान पर गुरु गोबिंद सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड की समनुषंगी) में निहित होगा ;

और जबकि हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, जो कि गुरु गोबिंद सिंह रिफाइनरीज लिमिटेड की पैतृक कंपनी है, अब मुन्द्रा बंदरगाह स्थित भंडारण टर्मिनल से दिल्ली तक परिशुद्ध पेट्रोलियम उत्पादों के परिवहन के लिए उत्पाद पाइपलाइन बिछाना चाहती है और चूंकि हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड को मुन्द्रा-दिल्ली उत्पाद पाइपलाइन पहले 250 कि. मी. की दूरी तक उसी मार्ग से होकर जाती है, जिस मार्ग से गुरु गोबिंद सिंह रिफाइनरीज लिमिटेड की मुन्द्रा-बठिण्डा अपरिष्कृत तेल की पाइपलाइन गुजरती है, इसलिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड ने प्रचलित सुरक्षा मानदंडों के अनुसार मुन्द्रा-बठिण्डा अपरिष्कृत तेल की पाइपलाइन बिछाने के लिए गुरु गोबिंद सिंह रिफाइनरीज लिमिटेड को प्रदान किये गये प्रयोक्ता अधिकार में गुरु गोबिंद सिंह रिफाइनरीज लिमिटेड की मुन्द्रा- बठिण्डा अपरिष्कृत तेल की पाइपलाइन के समान्तर पहले 250 कि. मी. की दूरी तक राधनपुर तक, उत्पाद पाइपलाइन बिछाने का अपना आशय व्यक्त किया है और गुरु गोबिंद सिंह रिफाइनरीज लिमिटेड ने इस पर अपनी सहमति दे दी है ;

अतः, अब उक्त अधिनियम की धारा 6 की उपधारा (4) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निर्देश देती है कि उक्त भूमि में पाइपलाइन बिछाने के लिए प्रयोक्ता का अधिकार, इस घोषणा के प्रकाशित होने की तारीख से, मुन्द्रा से बठिण्डा तक अपरिष्कृत तेल की पाइपलाइन को बिछाने के लिए गुरु गोबिंद सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड की समनुषंगी) में तथा मुन्द्रा से दिल्ली तक की पेट्रोलियम उत्पाद पाइपलाइन को पहले 250 कि. मी. की दूरी तक राधनपुर (गुजरात) तक बिछाने के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा और सभी प्रकार के विल्लंगमों से मुक्त होगा ।”

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 20 जुलाई, 2005, को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचनाओं को, जो इसके साथ संलग्न तालिका में वर्णित हैं, ऊपर वर्णित अनुसार, संशोधित करने का विनिश्चय किया है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, यह निदेश देती है कि भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचनायें, जो इसके साथ संलग्न तालिका में वर्णित हैं, इस घोषणा की प्रकाशन की तारीख को, इस मंत्रालय के सहमति पत्र सं० आर-31015/7/2003 ओ.आर-II दिनांक 25-11-2004 द्वारा लगाई गई शर्तों के अधीन, ऊपर वर्णित रीति से संशोधित हो गई है ।

तालिका

क्रम सं०	तालुका का नाम	गांवों की संख्या	तेल एवं खनिज पाइपलाइन अधिनियम 1962 की धारा 6 (1) के अधीन अधिसूचना का आ. सं० व तारीख	गांवों के नाम
1	मुन्ना	6	3725 दिनांक 25-11-2002	शेखाडीया, सडाऊ, गुन्डाला, राधा, मोखा, छसरा
		6	1337 दिनांक 29-04-2003	ध्रुव, मुन्ना, बरोई, गोवरसामा, सडाऊ शेखाडीया,
		3	827 दिनांक 01-04-2004	शेखाडीया, गुन्डाला, छसरा
		3	828 दिनांक 01-04-2004	मुन्ना, बरोई, शेखाडीया,
		3	829 दिनांक 01-04-2004	गुन्डाला, मोखा, छसरा
2	अंजार	5	3850 दिनांक 05-12-2002	भुवड, नागलपुर नाना-2, मीठा पासवारीया, खारा पासवारीया, अजापुर
		2	975 दिनांक 17-03-2003	भीमासर, पासुडा
		1	976 दिनांक 17-03-2003	चन्द्रोडा
		6	2198 दिनांक 28-07-2003	खेडोई मोटी, खंभरा, सीनुग्रा, मोटा-नागलपार, चन्द्रोडा, अंजार
		13	750 दिनांक 22-03-2004	चन्द्रोडा, भुवड, खेडोई मोटी, खंभरा, सीनुग्रा, मोटा नागलपार, नागलपार नाना-2, अंजार, मीठा पासवारीया, खारा पासवारीया, अजापुर, भीमासर, पासुडा

3	भचक्र	8	3853 दिनांक 12-12-2002	बोधादा, विजापसार, लखपत, अघोई, शिवलखा
		5	1044 दिनांक 25-03-2003	मोटी चीरई, लुणवा, चोपडा, भचक्र, वोंध
		10	1083 दिनांक 27-04-2004	मोटी चीरई, लुणवा, चोपडा, भचक्र, वोंध, वोंधडा, विजापसार, लखपत, अघोई, शिवलखा
4	रापर	10	877 दिनांक 13-03-2003	गोविन्दपुर, देदरवा, साई, किडीयानगर, बादलपुर, छोटार, वेकरा, लाखागढ़, भंगेरा-जादपुर, अडेसर
		1	2200 दिनांक 01-08-2003	भीमसर
		10	753 दिनांक 23-03-2004	गोविन्दपुर, देदरवा, साई, किडीयानगर, बादलपुर, छोटार, वेकरा, भीमसर, भंगेरा-जादपुर, अडेसर
5	सांथलीपुर	8	630 दिनांक 18-02-2003	सांथलीपुर, फर, छानसारा, दाईगामडा, बामसेली, डाभी, उनसेट, जेकरा
		8	751 दिनांक 22-03-2004	सांथलीपुर, फर, छानसारा, दाईगामडा, बामसेली, डाभी, उनसेट, जेकरा
		11	870 दिनांक 11-03-2003	सांथली, रंगपुर, लिखाऊन, भीलोट, जावंत्री, मेहमदाबाद, चलवाडा, बंधवाड, देव, सुलतानपुरा, सुबापुरा
6	राधनपुर	8	670 दिनांक 18-03-2004	सांथली, रंगपुरा, जावंत्री, चलवाडा, बंधवाड, देव, सुलतानपुरा, सुबापुरा

[फा. सं. आर-31015/14/2004-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 17th November, 2005

S.O. 4321.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 633, dated the 21st February, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 26th February, 2005, the Central Government declared its intention that each of the notifications of the Government of India in the Ministry of Petroleum & Natural Gas specified in the table annexed thereto, shall be modified in the manner specified below.

“Whereas in exercise of the powers conferred by the sub-section(4) of the section 6 of the said Act, the Central Government directed that the right of user in the land (specified in the Schedule of the respective notification) for laying the Mundra-Bathinda Crude Oil Pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in the Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited);

And whereas Hindustan Petroleum Corporation Limited, parent company of the Guru Gobind Singh Refineries Limited, has now proposed to lay a product pipeline for transportation of refined petroleum products from storage terminal at Mundra Port to Delhi

and since Mundra-Delhi Product Pipeline of Hindustan Petroleum Corporation Limited traverses the same route that of Mundra-Bathinda Crude Oil Pipeline of Guru Gobind Singh Refineries Limited for initial 250 kilometers upto Radhanpur, Hindustan Petroleum Corporation Limited has expressed its intent to lay the product pipeline for initial 250 kilometers up to Radhanpur, parallel to Mundra-Bathinda Crude Oil Pipeline of Guru Gobind Singh Refineries Limited in the right of user granted to Guru Gobind Singh Refineries Limited for laying Mundra-Bathinda Crude Oil Pipeline, as per applicable safety standards, and Guru Gobind Singh Refineries Limited has consented to the same;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall vest on the date of publication of this declaration, in the Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited) for laying the crude oil pipeline from Mundra to Bathinda, as well as in Hindustan Petroleum Corporation Limited for laying petroleum product pipeline from Mundra to Delhi, for initial 250 kilometers from Mundra (Gujarat) up to Radhanpur (Gujarat), free from all encumbrances".

And whereas copies of the said Gazette notification were made available to the public on the 20th July, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to modify the notifications of the Government of India in the Ministry of Petroleum & Natural Gas specified in the table annexed hereto, as specified above.

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that that the notification of the Government of India in the Ministry of Petroleum & Natural Gas specified in the table annexed hereto, stand modified in the manner specified above on the date of publication of this declaration, subject to the conditions imposed vide this Ministry's consent letter no. R-31015/7/2003-OR-II dated 25-11-2004.

TABLE

S. No	Name of Taluka	No. of Villages	S.O.No. and date of notification u/s 6(1) of P&MP Act, 1962	Name of the Villages
1	MUNDRA	6	3725 dated 25-11-2002	Shekhadia, Sadau, Gundala, Ragha, Mokha, Chhasra
		6	1337 dated 29-4-2003	Dhrab, Mundra, Baroi, Govarsama, Sadau, Shekhadia
		3	827 dated 1-4-2004	Shekhadia, Gundala, Chhasra
		3	828 dated 1-4-2004	Mundra, Baroi, Shekhadia
		3	829 dated 1-4-2004	Gundala, Mokha, Chhasra

2	ANJAR	5	3850 dated 5-12-2002	Bhuvad, Nagalpur, Nana-2, Mitha Paswariya, Khara Paswariya, Ajapar
		2	975 dated 17-3-2003	Bhimasar, Pasuda
		1	976 dated 17-3-2003	Chandroda
		6	2198 dated 28-7-2003	Khedoi Moti, Khambhara, Sinugra, Mota-Nagalpar, Chandroda, Anjar
		13	750 dated 22-3-2004	Chandroda, Bhuvad, Khedoi Moti, Khambhara, Sinugra, Mota Nagalpar, Nagalpar Nana-2, Anjar, Mitha Paswaria, Khara Paswaria, Ajapar, Bhimasar, Pasuda
3	BHACHAU	6	3853 dated 12-12-2002	Vondhada, Vijapasar, Lakhpatt, Adhoi, Gamdau, Shivilakha
		5	1044 dated 25-3-2003	Moti Chirai, Lunwa, Chopadwa, Bhachau, Vondh
		10	1083 dated 27-4-2004	Moti Chirai, Lunwa, Chopadwa, Bhachau Vondh, V: kondhada, Vijapasar, Lakhpatt, Adhoi, Shivilakha
4	RAPAR	10	877 dated 13-3-2003	Govindpur, Dedar va, Sai, Kidiyanagar, Badalpar, Chhotapar, Vekara, Lakhagarh, Bhangera Jadupur, Adesar
		1	2200 dated 1-8-2003	Bhimasar
		10	753 dated 23-3-2004	Goyindpur, Dedarva, Sai, Kidiyanagar, Badalpar, Chhotapar, Vekara, Bhimasar, Bhangera Jadupur, Adesar
5	SANTALPUR	8	630 dated 18-2-2003	Santalpur, Par, Chhansara, Daigamda, Bamroli, Dabhi, Unrot, Zekada
		8	751 dated 22-3-2004	Santalpur, Par, Chhansara, Daigamda, Bamroli, Dabhi, Unrot, Zekada
6	RADHANPUR	11	870 dated 11-3-2003	Santhali, Rangpura, Limbadka, Bhilot, Jawantri, Mehmedabad, Chalwada, Bandhwad, Dev, Sultanpura, Subapura
		8	670 dated 16-3-2004	Santhali, Rangpura, Jawantri, Chalwada, Bandhwad, Dev, Sultanpura, Subapura

[No. R-31015/14/2004-O.R.-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 17 नवम्बर, 2005

संशोधन

का.आ. 4322.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 1192, तारीख 1 अप्रैल, 2005, में, जो भारत के राजपत्र, भाग II, खण्ड 3, उपखण्ड (ii) तारीख 2 अप्रैल, 2005, में पृष्ठ 3402 से पृष्ठ 3431 पर प्रकाशित की गई थी, निम्नलिखित संशोधन करती है, अर्थात्:-

अधिसूचना के हिन्दी रूपान्तर की अनुसूची:-

- (क) पृष्ठ संख्या 3405 पर, स्तम्भ 2 में ग्राम “कस्बा भरतपुर” के स्थान पर “कस्बा भरतपुर चक नं. 2” रखा जाएगा;
- (ख) पृष्ठ संख्या 3406 पर, स्तम्भ 2 में ग्राम “जघीना” के स्थान पर “जघीना 1” रखा जाएगा;
- (ग) पृष्ठ संख्या 3407 पर, स्तम्भ 2 में ग्राम “जघीना (जारी...)” के स्थान पर “जघीना 1 (जारी...)” रखा जाएगा;
- (घ) पृष्ठ संख्या 3414 पर, स्तम्भ 2 में ग्राम “सेवर” के स्थान पर “सेवर कलां” जाएगा;
- (च) पृष्ठ संख्या 3415 पर, स्तम्भ 2 में ग्राम “सेवर (जारी...)” के स्थान पर “सेवर कलां (जारी...)” रखा जाएगा;
- II अधिसूचना के अंग्रेजी रूपान्तर की सूची में :-
- (छ) पृष्ठ संख्या 3420 पर, स्तम्भ 2 में ग्राम “कस्बा भरतपुर” के स्थान पर “कस्बा भरतपुर चक नं. 2” रखा जाएगा;
- (ज) पृष्ठ संख्या 3421 पर, स्तम्भ 2 में ग्राम “जघीना” के स्थान पर “जघीना 1” रखा जाएगा;
- (झ) पृष्ठ संख्या 3422 पर, स्तम्भ 2 में ग्राम “जघीना (जारी...)” के स्थान पर “जघीना 1 (जारी...)” रखा जाएगा;
- (ञ) पृष्ठ संख्या 3429 पर, स्तम्भ 2 में ग्राम “सेवर” के स्थान पर “सेवर कलां” रखा जाएगा;
- (ट) पृष्ठ संख्या 3430 पर, स्तम्भ 2 में ग्राम “सेवर (जारी...)” के स्थान पर “सेवर कलां (जारी...)” रखा जाएगा;

[फा. सं. आर-31015/82/2004-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 17th November, 2005

Amendment

S. O. 4322.—In exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1192, dated the 1st April, 2005, published at pages 3402 to 3431 in Part II, section 3, sub-section (ii) of the Gazette of India, dated the 2nd April, 2005, namely:-

I In the Schedule to Hindi version of the said notification:-

- (a) at page 3405, against village “Kasba Bharatpur” in column 2, read “Kasba Bharatpur chak no.2”;
- (b) at page 3406, against village “Jaghina” in column 2, read “Jaghina 1”;
- (c) at page 3407, against village “Jaghina(Contd...)” in column 2, read “Jaghina 1 (Contd...)”;
- (d) at page 3414, against village “Sewar” in column 2, read “Sewar kalan”;
- (e) at page 3415, against village “Sewar (Contd...)” in column 2, read “Sewar kalan (Contd...)”;

II In the Schedule to English version of the said notification:-

- (f) at page 3420, against village “Kasba Bharatpur” in column 2, read “Kasba Bharatpur chak no.2”;

- (g) at page 3421, against village "Jaghina" in column 2, read "Jaghina 1";
- (h) at page 3422, against village "Jaghina (Contd...)", in column 2, read "Jaghina 1 (Contd...)";
- (i) at page 3429, against village "Sewar" in column 2, read "Sewar kalan";
- (j) at page 3430, against village "Sewar (Contd...)" in column 2, read "Sewar kalan (Contd...)".

आ. R-31015/82/2004-O.R.-II]
HARISH KUMAR, Under-Secy.

नई दिल्ली, 17 नवम्बर, 2005

शुद्धिपत्र

क्र. आ. 4323.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पदार्थों लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 630, तारीख 21 फरवरी, 2005, में जो भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) तारीख 26 फरवरी 2005, में पृष्ठ 1766 से पृष्ठ 1777 पर प्रकाशित की गई थी, निम्नलिखित संशोधन करती है, अर्थात्:-

I. उक्त अधिसूचना की हिन्दी रूपान्तर की अनुसूची में

- (क) पृष्ठ संख्या 1768 पर, स्तम्भ 2 में "बाढ़गवार" के स्थान पर, "भाण्डगवार" पढ़ें;
- (ख) पृष्ठ संख्या 1771 पर,
 - (i) स्तम्भ 2 में ग्राम "जारला" के स्थान पर, "जाड़ला", रखा जाएगा;
 - (ii) स्तम्भ 2 में ग्राम "जारला (जारी)" के स्थान पर "जाड़ला (जारी)" रखा जाएगा;
 - (iii) स्तम्भ 2 में ग्राम "जाड़ला (जारी)" के सामने, स्तम्भ 3 के सर्वे नम्बर "490" में, स्तम्भ 4 के क्षेत्रफल "0.0080" के स्थान पर क्षेत्रफल "0.0880" रखा जाएगा;

II उक्त अधिसूचना के अंग्रेजी रूपान्तर की अनुसूची में-

- (क) पृष्ठ संख्या 1774 पर, स्तम्भ 2 में ग्राम "बाढ़गवार" के स्थान पर "भाण्डगवार" पढ़ें;
- (ख) पृष्ठ संख्या 1777 पर,
 - (i) स्तम्भ 2 में ग्राम "जारला" के स्थान पर "जाड़ला" रखा जाएगा;
 - (ii) स्तम्भ 2 में ग्राम "जारला (जारी)" के स्थान पर "जाड़ला (जारी)" रखा जाएगा।

[आ. सं. आर-31015/85/2004-ओ.आर.-II]

हरीश कुमार, अवर सचिव

New Delhi, the 17th November, 2005

Amendment

S.O. 4323.—In exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Petroleum and Natural Gas, number S.O. 630 dated the 21st February, 2005, published at page 1766 to 1777 in Part II, section 3, sub-section (ii), of the Gazette of India, dated the 26th February, 2005, namely:-

I In the Schedule to Hindi version of the said notification:-

- (a) at page 1768, village "Bhadgawar" in column 2, read "Bhandganwar";
- (c) at page 1771,
 - (i) against village "Jarla" in column 2, read "Jadla";
 - (ii) against village "Jarla(Contd)" in column 2, read "Jadla (Contd)";
 - (iii) against village "Jarla(Contd)" in column 2, in survey no. "490" in column 3, for the area "0.0080" in column 4, the area "0.0880" shall be substituted;

II In the Schedule to English version of the said notification:-

- (c) at page 1774, village "Bhadgawar" in column 2, read "Bhandganwar";
 (d) at page 1777
 (i) against village "Jarla" in column 2, read "Jadla";
 (ii) against village "Jarla (Contd.)" in column 2, read "Jadla (Contd.)".

[No. R-31015/85/2004-O.R.-II]
 HARISH KUMAR, Under Secy.

नई दिल्ली, 17 नवम्बर, 2005

शुद्धिपत्र

क्र. आ. 4324.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 769, तारीख 25 फरवरी, 2005, में जो भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) तारीख 5 मार्च, 2005, में पृष्ठ 2093 से 2102 पर प्रकाशित की गई थी, निम्नलिखित संशोधन करती है, अर्थात् :-

उक्त अधिसूचना के हिन्दी रूपान्तर की ~~इस~~ अनुसूची में :-

- (क) पृष्ठ संख्या 2094 पर,
 (i) स्तंभ 2 में ग्राम "नाहर्खेड़ा" के सामने, स्तंभ 3 के सर्वे नम्बर "34 (शास. भूमि)" में, स्तंभ संख्या 4 के क्षेत्रफल "0.04673" के स्थान पर, क्षेत्रफल "0.4673" रखा जाएगा;
 (ii) स्तंभ 2 में ग्राम "पिपलिया नानकर" के सामने, स्तंभ 3 के सर्वे नम्बर "335 (शास रास्ता)" के स्थान पर, सर्वे नम्बर "355 (शास रास्ता)" रखा जाएगा।

[फा. सं. आर-31015/71/2004-ओ.आर.-II]

हरीश कुमार, अवर सचिव

New Delhi, the 17th November, 2005

Amendment

S. O. 4324.—In exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Petroleum and Natural Gas, number S.O. 769 dated the 25th February, 2005 published at page 2093 to 2102 in Part II, section 3, sub-section(ii), of the Gazette of India, dated the 05th March, 2005, namely:-

In the Schedule to Hindi version of the said notification:-

- (a) at page 2094,
 (i) against village "NAHARKHEDA" in column 2, in survey no. "34 (Govt.Land)" in column 3, for the area "0.04673" in column 4, the area "0.4673" shall be substituted;
 (ii) against village "PIPLIYA NANKAR" in column 2, for survey no. "335 (Govt. Road)" in column 3, the survey no. "355 (Govt. Road)" shall be substituted.

[No. R-31015/71/2004-O.R.-II]
 HARISH KUMAR, Under Secy.

नई दिल्ली, 18 नवम्बर, 2005

का. आ. 4325.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में, तथा भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचनाओं — संख्या का, आ. 2687 तारीख 04 दिसम्बर, 2000 और का 0आ 0 1806 तारीख 19 जुलाई, 2001 को अधिकांत करते हुए श्री राकेश कुमार शर्मा, सहायक कलक्टर एवं कार्यपालक मैजिस्ट्रेट, नागौर, राजस्थान सरकार को, गुरु गोबिन्द सिंह रिफाईनरीज लिमिटेड में प्रतिनियुक्ति पर राजस्थान राज्य के राज्य क्षेत्र के भीतर, उक्त अधिनियम के अधीन, मुन्द्रा-भठिण्डा पाइपलाइन के लिए सक्षम प्राधिकारी के कृत्यों का निर्वहन करने के लिए प्राधिकृत करती है।

[फा. सं. आर-31015/5/2000-ओ.आर.-II]

हरीश कुमार, अवर सचिव

New Delhi, the 18th November, 2005

S. O. 4325.—Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), and in supersession of notifications number S.O. 2687 dated the 4th December, 2000 and S.O. 1806 dated 19th July, 2001, the Central Government hereby authorises Shri Rakesh Kumar Sharma, Assistant Collector & Executive Magistrate, Nagpur, Government of Rajasthan, on deputation to Guru Gobind Singh Refineries Limited, to perform the functions of the competent authority for Mundra-Bathinda Pipeline Project, under the said Act, within the territory of State of Rajasthan.

[No. R-31015/5/2000-O.R.-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 18 नवम्बर, 2005

का. आ. 4326.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2501 तारीख 5 जुलाई, 2005, जो भारत के राजपत्र तारीख, 16 जुलाई, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मुन्द्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के माध्यम से गुजरात राज्य में मुन्द्रा से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 26 अगस्त, 2005 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस अधिसूचना के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने के बजाए, इस मंत्रालय के सहमति पत्र सं. आर - 31015/7/03 ओ.आर-II दिनांक 25/11/2004 द्वारा लगाई गई शर्तों के अधीन सभी वित्तलंगनों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील: रेवाड़ी		जिला: रेवाड़ी		राज्य: हरियाणा			
गाँव का नाम	हदबस्त संख्या	मुसतिल संख्या	खसरा/किला संख्या	क्षेत्रफल			वर्गमीटर
				हेक्टेयर	एयर		
1. जेतडावास	143	34	18	00	02		66
			48	00	00		68
			9	00	00		25
			10	00	00		79
			11/1	00	00		56
			49	00	00		38
			15/1	00	00		75
			17	00	01		71
			272	00	00		98
			19/3	00	02		82
2. भाडावास	145	126	4	00	06		00
			8	00	04		42
			12	00	02		84
			20	00	01		35
			145	00	00		41
			147	00	02		07
			23	00	00		25
			148	00	00		24
3. अवाड़ी	150	23	13	00	00		00
			17/1	00	01		02
			18/1	00	03		06
			25	00	00		68
			26	00	00		83

तहसील: रेवाड़ी		जिला: रेवाड़ी		राज्य: हरियाणा		
गाँव का नाम	हदबस्त संख्या	मुसतिल संख्या	असरा/किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
4. कमालपुर	152	28	23/2/1	00	01	85
			24	00	01	19
5. छुरियावास	157	6	3/1	00	00	42
		11	6/1	00	00	88
		21	5	00	01	54
6. धामलाका	155	13	20	00	00	53
		14	3	00	00	53
			4	00	00	49
			9	00	01	29
			11/3	00	00	61
		15	23	00	03	51
			45	00	00	53
7. शहबाजपुर खोलसा	171	11	20/1	00	00	42
			20/2	00	00	30
			21/1	00	00	87
			21/2	00	01	00
		12	25/2	00	00	31
		19	7	00	00	81
			20/1	00	00	71
		20	1/1	00	01	64
			3/1	00	00	17
			5	00	01	46
		21	1	00	00	53
		26	22	00	00	64
			68	00	01	19
			85	00	00	10
8. माजरा गुरदास	188	1	21/2	00	01	56
		3	1	00	00	93
		4	5	00	01	57
			6	00	02	46
			15/2	00	02	87
			17	00	00	77
		5	8	00	01	99
			12	00	03	41
			13	00	01	72
			19/1	00	01	26
			22/1	00	01	00
9. कोनसीवास	174	14	24	00	00	73
		25	3	00	03	07
			8	00	02	97

तहसील: रेवाड़ी		जिला: रेवाड़ी		राज्य: हरियाणा		
गाँव का नाम	हदबस्त	मुसतिल	खसरा/किला	श्रेत्रफल		
	संख्या	संख्या	संख्या	हेक्टेयर	एयर	वर्गमीटर
10. कालाका	177	35	14	00	01	72
			22/2	00	00	49
			23/1	00	01	39
11. माडियां कलां	178	8	23	00	00	86
		23	6	00	03	09
12. खलीलपुरी	179	11	21/2	00	00	73
			51	00	01	28
13. फिदेडी	204	13	1	00	00	64
		25	25/1	00	00	56
14. बुहानी	208	15	3/3	00	00	52
		8	00	01	39	
15. रामगढ़	209	20	19	00	00	57
		20	25/2	00	00	87
		24	5/3	00	00	35
16. गोकलपुर	211	37	14/2	00	00	33
		12	22/1/1	00	00	40
		25	16/1/1	00	02	86
			16/2	00	00	64
			25/1/3	00	11	08
		26	1/2/1	00	00	69
		39	6/2	00	00	94
17. जांटी	212		15/1	00	00	94
		18	5	00	00	61
		7	00	00	10	
18. जांट सायरवास	213	19	19/1-3	00	01	22
		49	2	00	00	42
		50	4/2	00	00	25
			4/1-3	00	01	18
		5	00	08	84	
			7/1-3	00	02	42
			21/1/1	00	00	44
19. झ्याना	156	2	23	00	00	36

[फा. सं. आर-31015/50/2004-ओ.आर. II]

हरीश कुमार, अवर सचिव

New Delhi, the 18th November, 2005

S. O. 4326.— Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2501 dated the 5th July, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 16th July, 2005, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products from Mundra in the State of Gujarat to Delhi through Mundra-Delhi Petroleum Product Pipeline by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 26th August, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances, subject to the conditions imposed vide this Ministry's consent letter no. R-31015/7/03 OR- II dated 25-11-2004.

SCHEDULE

Tehsil :REWARI		District : REWARI		State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area		
				Hectare	Are	Square Metre
1. JAITRAWAS	143	34	18	00	02	66
			48	00	00	68
			9	00	00	25
			10	00	00	79
			11/1	00	00	56
		49	14	00	00	38
			15/1	00	00	75
			17	00	01	71
			272	00	00	98

Tehsil :REWARI		District :REWARI			State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area:			
				Hectare:	Are:	Square Metre	
2. BHARAWAS	145	126	19/3	00	02	82	
		128	4	00	06	00	
			8	00	04	42	
			12	00	02	84	
			20	00	01	35	
		145	5/1	00	00	41	
		147	17	00	02	07	
			23	00	00	25	
		148	1/1	00	00	94	
		3. BHAWARI	150	23	13	00	00
			17/1	00	01	02	
			18/1	00	03	06	
		25	2/1	00	00	68	
		26	13/2	00	00	83	
4. KAMALPUR	152	28	23/2/1	00	01	85	
			24	00	01	19	
5. CHHURIAWAS	157	6	3/1	00	00	42	
		11	6/1	00	00	88	
		21	5	00	01	54	
6. DHAMLAKA	155	13	20	00	00	53	
		14	3	00	00	53	
			4	00	00	49	
			9	00	01	29	
			11/3	00	00	61	
		15	23	00	03	51	
			45	00	00	53	
7. SHAHBAJPUR KHALSA	171	11	20/1	00	00	42	
			20/2	00	00	30	
			21/1	00	00	87	
			21/2	00	01	00	
		12	25/2	00	00	81	
		19	7	00	00	81	
			20/1	00	00	71	
		20	1/1	00	01	64	
			3/1	00	00	17	
			5	00	01	46	
		21	1	00	00	53	
		26	22	00	00	64	
			68	00	01	19	
		85	00	00	10		

Tehsil :REWARI		District : REWARI		State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area		
				Hectare	Are	Square Metre
8. MAJRA GURDASS	188	1	21/2	00	01	56
		3	1	00	00	93
		4	5	00	01	57
			6	00	02	46
			15/2	00	02	87
			17	00	00	77
		5	8	00	01	99
			12	00	03	41
			13	00	01	72
			19/1	00	01	26
			22/1	00	01	00
9. KONSIWAS	174	14	24	00	00	73
		25	3	00	03	07
			8	00	02	97
10. KALAKA	177	35	14	00	01	72
			22/2	00	00	49
			23/1	00	01	39
11. MANDIA KALAN	178	8	23	00	00	86
		23	6	00	03	09
12. KHALILPURI	179	11	21/2	00	00	73
			51	00	01	28
13. FHDERT	204	13	1	00	00	64
14. BUDHANI	208	25	25/1	00	00	56
		15	3/3	00	00	52
			8	00	01	39
		20	19	00	00	57
15. RAMGARH	209	20	25/2	00	00	87
		24	5/3	00	00	35
		37	14/2	00	00	33
16. GOKALPUR	211	12	22/1/1	00	00	40
		25	16/1/1	00	02	86
			16/2	00	00	64
			25/1/3	00	11	08
		26	1/2/1	00	00	69
		39	6/2	00	00	94
17. JANTI	212		15/1	00	00	94
		18	5	00	00	61
			7	00	00	10
		19	19/1-3	00	01	22

(1)	(2)	(3)	(4)	(5)	(6)	(7)
18. JANTSIRWAS	213	49	2	00	00	42
		50	4/2	00	00	25
			4/1-3	00	01	18
			5	00	08	84
			7/1-3	00	02	42
			21/1/1	00	00	44
19. DAWANA	156	2	23	00	00	36

[No. R-31015/50/2004-O.R.-II]
HARISH KUMAR, Under Secy.

कोयला मंत्रालय
नई दिल्ली, 9 नवम्बर, 2005

का. आ. 4327.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन भारत के राजपत्र भाग II, खण्ड 3, उपखण्ड (i), तारीख 4 दिसम्बर 2004 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का० आ० सं० 3096 तारीख 24 नवम्बर 2004 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 103.000 एकड़ (लगभग) या 41.680 हेक्टेयर (लगभग) है, कोयले का पूर्वेक्षण करने के अपने आशय की सूचना दी थी,

और केन्द्रीय सरकार का यह समाधान हो गया है कि उक्त भूमि में कोयला अभिप्राय है;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इससे संलग्न अनुसूची में वर्णित 97.750 एकड़ (लगभग) या 39.560 हेक्टेयर (लगभग) सभी अधिकार और 5.250 एकड़ (लगभग) या 2.120 हेक्टेयर (लगभग) के खनन अधिकार वाली माप की भूमि का अर्जन करने के अपने आशय की सूचना देती है।

1: इस अधिसूचना के अन्तर्गत आने वाले सभी अधिकारों के संबंध में क्षेत्र के रेखांक सं० एमसीएल/एस ए एम बी/सी जी एम (सी पी आर पी)/सी बी ए लिंग/2005/32 तारीख 10 जून 2005 सभी अधिकार और (11) रेखांक सं० एमसीएल/एस ए एम बी/सी जी एम (सी पी एंड पी)/सी बी ए लिंग/2005/33 तारीख 10 जून 2005 खनन अधिकार का निरीक्षण जिलापाल, अनगुल, (उडीसा) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट कोलकाता या महानदी कोलफील्ड्स लिमिटेड (योजना और परियोजना विभाग) जागृति विहार, डाकघर जागृति विहार, बुर्ला, जिला सम्बलपुर (उडीसा) के कार्यालय में किया जा सकता है।

2: कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध है।

"8. अर्जन की बाबत आपत्तियां —

(1) कोई व्यक्ति जो किसी भूमि में जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण :— इस धारा के अर्थान्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएँ करना चाहता है और ऐसी संक्रियाएँ केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उपधारा 1 के अधीन प्रत्येक आपत्ति सक्षम प्राधिकारी को लिखित रूप में की जाएगी और प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है, वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि का या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार होता, यदि भूमि या ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते।”

3: केन्द्रीय सरकार ने कोयला नियंत्रक 1, काउंसिल हाउस स्ट्रीट, कोलकाता को अधिसूचना सं० का० आ० 2015 तारीख 10 जुलाई 95 द्वारा उक्त अधिनियम के अधीन सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची
तालचेर कोलफिलडस (लिंगराज क्षेत्र)
लिंगराज ओ सि पि, जिला अंगुल (उडीसा)

सभी अधिकार:-

प्लान सं० एमसीएल/एसएएमबी/जीएम(सी पी पी)/सी.बी.ए. लिंग/2005/32 दिनांक 10.06.2005

क्र. सं.	ग्राम का नाम	पुलिस स्टेशन और सं.	तहसील	जिला	क्षेत्र एकड़ में	टप्पणी
1	बलुगां खमार	तालचेर -125	तालचेर	अंगुल/उडीसा	31.000	(भाग)
2	मदनमोहनपुर	तालचेर-124	तालचेर	अंगुल/उडीसा	66.750	(भाग)
योग 97.750 एकड़ (लगभग) या 39.560 हेक्टर (लगभग)						

1 बलुगां खमार (भाग) ग्राम में अर्जित किये जाने वाले प्लॉट सं०

24(भाग), 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 98(भाग), 99, 100, 101(भाग), 124(भाग), 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 231(भाग), 233(भाग), 33 / 352, 170 / 353, 169 / 357, 233 / 365, 174 / 366, 174 / 367, 174 / 368, 174 / 369, 174 / 370, 174 / 371, 174 / 372, 174 / 373, 174 / 374, 174 / 375, 174 / 376, 30 / 377, 30 / 378, 30 / 379, 233 / 408(भाग), 196 / 455, 34 / 53, 172 / 529, 153 / 530(भाग), 153 / 531(भाग), 40 / 538, 177 / 541, 46 / 546(भाग), 197 / 551, 40 / 552, 46 / 564, 40 / 589, 197 / 604, 197 / 631, 46 / 649(भाग), 40 / 654, 40 / 658, 40 / 659(भाग), 40 / 660(भाग), 40 / 663(भाग), 33 / 669, 46 / 675(भाग), 169 / 676, 33 / 695, 32 / 696, 352 / 697, 538 / 708, 40 / 717, 40 / 718, 169 / 607, 172 / 627, 177 / 628 और 33 / 832

2. मदनमोहनपुर (भाग) ग्राम में अर्जित किये जाने वाले प्लॉट सं०

126, 127, 130, 131, 132, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159(भाग), 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 261, 266, 267, 268, 269, 270(भाग), 323(भाग), 327, 326(भाग), 329(भाग), 330, 331, 332, 333, 334, 335, 336, 337, 338, 339(भाग), 340(भाग),

416,445,446,447,454,455,456,457,458,459,460,461,462,463,465,466,467,468,469,470,473,533,327 / 558
 ,335 / 580,183 / 574,270 / 577,270 / 578,270 / 579,183 / 586,271 / 590,183 / 592,183 / 594,183 / 59
 5,183 / 596,183 / 597 और 533 / 598(भाग) ।

सीमावर्णन : —

क-ख-ग : — रेखा बिंदु 'क' से आरंभ होती है जो ग्राम मदनमोहनपुर के प्लॉट सं 475 के उत्तर पूर्व कोने पर स्थित है, और पूर्व की ओर प्लॉट सं 604 के दक्षिणी सीमा के साथ चलते हुए बिंदु 'ख' पर मिलती है, फिर रेखा उत्तर की ओर ग्राम मदनमोहनपुर के प्लॉट सं 604,186 एवं 654 पश्चिमी सीमा पर से होते हुए बिंदु 'ग' पर मिलती है ।

ग-घ-ङ : — रेखा बिंदु 'ग' से पश्चिम की ओर ग्राम मदनमोहनपुर के प्लॉट सं 654,545 एवं 602 के उत्तरी सीमा के साथ चल कर बिंदु 'घ' पर मिलती है फिर रेखा दक्षिणी की ओर चलते हुए ग्राम मदनमोहनपुर के प्लॉट सं 602,600,601 एवं 186 के पश्चिमी सीमा के साथ चल कर बिंदु 'ङ' पर मिलती है ।

ङ-च-छ : — रेखा बिंदु 'ङ' से चल कर प्लॉट सं 473 से होकर गुजरते हुए ग्राम मदनमोहनपुर के प्लॉट सं 464 के उत्तरी सीमा के साथ चल कर बिंदु 'च' पर मिलती है, फिर रेखा उत्तर की ओर चल कर ग्राम मदनमोहनपुर के प्लॉट सं 464 एवं 471 के पश्चिमी सीमा पर से होकर बिंदु 'छ' पर मिलती है ।

छ-ज-झ : — रेखा बिंदु 'छ' से आगे बढ़ते हुए पूर्व की ओर ग्राम मदनमोहनपुर के प्लॉट सं 471 एवं 472 के दक्षिणी सीमा के साथ चलते हुए बिंदु 'ज' पर मिलती है, फिर रेखा दक्षिणी की ओर ग्राम मदनमोहनपुर के प्लॉट सं 473 के पूर्वी सीमा के साथ चलते हुए बिंदु 'झ' पर मिलती है ।

झ-ग-ट : — रेखा बिंदु 'झ' से पश्चिम की ओर ग्राम बलुगं खमार और ग्राम मदनमोहनपुर के सांझा सीमा के साथ चल कर बिंदु 'ग' पर मिलती है, फिर रेखा उत्तर की ओर ग्राम मदनमोहनपुर के प्लॉट सं 473 के पश्चिमी सीमा के साथ चल कर बिंदु 'ट' पर मिलती है ।

ट-ठ-ड : — रेखा बिंदु 'ट' से पश्चिम की ओर प्लॉट सं 445 के उत्तरी एवं पश्चिमी सीमा के साथ आगे बढ़ते हुए पूर्व की ओर प्लॉट सं 447 के उत्तरी सीमा से होकर उत्तर की ओर ग्राम मदनमोहनपुर के प्लॉट सं 467,459,458,457,454, के पश्चिमी सीमा के साथ चल कर बिंदु 'ठ' पर मिलती है, फिर रेखा उत्तर-पश्चिम के ओर ग्राम मदनमोहनपुर के प्लॉट सं 339 से गुजरते हुए बिंदु 'ड' पर मिलती है ।

ड-ढ-ण : — रेखा बिंदु 'ड' से उत्तर-पश्चिम की ओर आगे बढ़ती है और ग्राम मदनमोहनपुर के प्लॉट सं 340,328 से गुजरते हुए प्लॉट सं 558,327 के पश्चिमी सीमा पार कर उत्तर की ओर मुड़ती है और प्लॉट सं 327 के पश्चिम और उत्तरी सीमा से होकर ग्राम मदनमोहनपुर के प्लॉट सं 328 और 323 के पश्चिमी सीमा से होकर बिंदु 'ढ' पर मिलती है, फिर रेखा प्लॉट सं 323,329,270 से गुजरते हुए प्लॉट सं 590,261 के उत्तरी सीमा पर चल कर रेखा दक्षिण की ओर मुड़ती है और प्लॉट सं 261 के पूर्वी सीमा और प्लॉट सं 267,266,228,227 के उत्तरी सीमा पर चल कर फिर दक्षिण की ओर मुड़ती है और प्लॉट सं 227 के पूर्वी सीमा से चल कर आगे प्लॉट सं 219,218,202 एवं 201 के उत्तरी सीमा से होकर रेखा प्लॉट सं 201 के पूर्वी सीमा के साथ चल कर आगे प्लॉट सं 199,198 के उत्तरी सीमा से होकर प्लॉट सं 187 से गुजरती है और आगे प्लॉट सं 126 के उत्तरी सीमा के साथ चल कर ग्राम बालूगां खमार के प्लॉट सं 24 से गुजरती है बिंदु 'ण' पर मिलती है ।

ण-त-थ : — रेखा बिंदु 'ण' से उत्तर की ओर मुड़कर ग्राम बालूगां खमार के प्लॉट सं 669,695,352,697, एवं 25 के पश्चिमी सीमा से चल कर बिंदु 'त' पर मिलती है, फिर रेखा पूर्व की ओर चल कर प्लॉट सं 25,27 और 28 के उत्तरी सीमा से होकर ग्राम बालूगां खमार के प्लॉट सं 211 से होकर बिंदु 'थ' पर मिलती है ।

थ-द-ध- रेखा बिंदु 'थ' से ग्राम बलुगां खमार के प्लाट सं 179,180,181,182,183 एवं 184 के दक्षिणी सीमा से चल कर बिंदु 'द' पर मिलती है, फिर रेखा पूर्व की ओर प्लाट सं 184,191,192,195 एवं 199 के उत्तरी सीमा से चलते हुए ग्राम बलुगां खमार के प्लाट सं 365 एवं 408 के उत्तरी सीमा पर चलते हुए बिंदु 'ध' पर मिलती है।

ध-न-प- रेखा बिंदु 'ध' से आगे ग्राम बलुगां खमार के प्लाट सं 231,408 एवं 233 से गुजरते हुए बिंदु 'न' पर मिलती है, फिर रेखा ग्राम बलुगां खमार के प्लाट सं 551,179 एवं 156 के दक्षिणी सीमा पर बढ़ती है पुनः रेखा प्लाट सं 156,158 एवं 159 के पूर्व एवं दक्षिणी सीमा के साथ चलकर ग्राम बलुगां खमार के प्लाट सं 165 के पश्चिमी एवं दक्षिणी सीमा से होकर बिंदु 'प' पर मिलती है।

प-फ-ब- रेखा बिंदु 'प' से आगे प्लाट सं 531,530,124 एवं 559 से गुजरती है फिर ग्राम बलुगां खमार के प्लाट सं 208 के पूर्वी सीमा से चलकर बिंदु 'फ' पर मिलती है, पुनः रेखा ग्राम बलुगां खमार के प्लाट सं 208,538,552 एवं 40 के दक्षिणी सीमा से चलकर बिंदु 'ब' पर मिलती है।

ब-म-म- रेखा बिंदु 'ब' से उत्तर की ओर आगे चलते हुए ग्राम बलुगां खमार के प्लाट सं 24 के पश्चिमी सीमा से होकर ग्राम मदनमोहनपुर के प्लाट सं 127 के पश्चिमी और उत्तरी सीमा से चलकर बिंदु 'म' पर मिलती है, फिर रेखा ग्राम मदनमोहनपुर के प्लाट सं 128,129 एवं 584 के उत्तरी सीमा से चलकर बिंदु 'म' पर मिलती है।

म-य-र- रेखा बिंदु 'म' से आगे ग्राम मदनमोहनपुर के प्लाट सं 130,132 एवं 142 के पूर्वी सीमा से चलकर बिंदु 'य' पर मिलती है, फिर रेखा प्लाट सं 142 के दक्षिणी सीमा और प्लाट सं 158 के पूर्वी एवं दक्षिणी सीमा के साथ आगे चलती है, फिर रेखा प्लाट सं 159 से गुजरती है और आगे ग्राम मदनमोहनपुर के प्लाट सं 167,168,172,173,174,175 एवं 176 के दक्षिणी सीमा से चलकर बिंदु 'र' पर मिलती है।

र-ल-व- रेखा बिंदु 'र' से आगे उत्तर की ओर प्लाट सं 564 के पूर्वी सीमा से होकर ग्राम बलुगां खमार के प्लाट सं 663 से गुजरते हुए बिंदु 'ल' पर मिलती है, फिर रेखा ग्राम बलुगां खमार के प्लाट सं 546,101 एवं 102 से गुजरते हुए बिंदु 'व' पर मिलती है।

व-श-क- रेखा बिंदु 'व' से आगे प्लाट सं 99 के दक्षिणी सीमा से चलते हुए और ग्राम बलुगां खमार के प्लाट सं 98,649 एवं 675 से गुजरती है, फिर रेखा आगे ग्राम मदनमोहनपुर के प्लाट सं 598 से गुजरती हुए बिंदु 'श' पर मिलती है, पुनः रेखा ग्राम मदनमोहनपुर के प्लाट सं 598 एवं 533 के पश्चिमी सीमा से चलकर प्रारम्भिक बिंदु 'क' पर मिलती है।

अनुसूची

तालचेर कोलफील्डस (लिंगराज क्षेत्र)
लिंगराज ओ सि पि जिला अंगुल (उडीसा)

खनन अधिकार:-

प्लान सं० एमसीएल/एसबीपी/सीजीएम(सीपी एंड पी)/सीबीए लिंग/2005/33 तारीख 10.06.2005

क सं	ग्राम	पुलिस स्टेशन और सं०	तहसील/ उपखंड	जिला/राज्य	क्षेत्र एकड़ में	टिप्पणी
1	मदनमोहनपुर	तालचेर-124	तालचेर	अंगुल/उडीसा	5.250	(भाग)
योग 5.250 एकड़ (लगभग)				या 2.120 हेक्टर (लगभग)		

1 मदनमोहनपुर (भाग) ग्राम में अर्जित किये जाने वाले प्लॉट सं०

188,484,471,472,474,475,476,477,478,479,480,481,482,483,484,485,486,487,488,489,490,491,492,493,494,495,496,497,498,499,500,501,502,503,504,505,506,507,508,509,510,511,512,513,514,515,516,517,518,519,520,521,522,523,524,525,526,527,528,529,530,186 / 544,186 / 545,523 / 557,500 / 566,502 / 599,544 / 600,544 / 601,186 / 604,508 / 611,186 / 645,545 / 654, और 505 / 659 ।

सीमावर्णन: —

क-ख-ग: — रेखा 'क' बिंदु से आरंभ होती है जो ग्राम मदनमोहनपुर के प्लॉट सं 475 के उत्तर पूर्व कोने पर स्थित है, और पूर्व की ओर प्लॉट सं 604 के दक्षिणी सीमा के साथ चलते हुए बिंदु 'ख' पर मिलती है, फिर रेखा उत्तर की ओर ग्राम मदनमोहनपुर के प्लॉट सं 604,186 एवं 654 के पूर्वी सीमा से चलकर बिंदु 'ग' पर मिलती है ।

ग-घ-ङ: — रेखा बिंदु 'ग' से आगे पूर्व की ओर ग्राम मदनमोहनपुर के प्लॉट सं 654,545,544 एवं 602 की उत्तरी सीमा के साथ चल कर बिंदु 'घ' पर मिलती है, फिर रेखा दक्षिणी की ओर आगे बढ़ते हुए ग्राम मदनमोहनपुर के प्लॉट सं 602,600,601 एवं 186 के दक्षिणी सीमा के साथ चल कर बिंदु 'ङ' पर मिलती है ।

ङ-च: — रेखा बिंदु 'ङ' से आगे की ओर प्लॉट सं 473 से होकर गुजरते हुए पश्चिमी की ओर ग्राम मदनमोहनपुर के प्लॉट सं 464 के उत्तरी सीमा के साथ चल कर बिंदु 'च' पर मिलती है, फिर रेखा दक्षिणी की ओर चल कर ग्राम मदनमोहनपुर के प्लॉट सं 464 एवं 471 के दक्षिणी सीमा पर से होकर बिंदु 'छ' पर मिलती है ।

छ-ज-झ — रेखा बिंदु 'छ' से आगे बढ़ते हुए पूर्व की ओर ग्राम मदनमोहनपुर के प्लॉट सं 471 एवं 472 के दक्षिणी सीमा से चलकर आगे ग्राम मदनमोहनपुर के प्लॉट 473 से गुजरते हुए बिंदु 'ज' पर मिलती है, फिर रेखा दक्षिणी की ओर मुड़ती है और ग्राम मदनमोहनपुर के प्लॉट सं 493,494,495,496,497,505,659,506,519,520,521,524 एवं 525 के पूर्वी सीमा से होकर बिंदु 'झ' पर मिलती है ।

झ-त्र-क — रेखा बिंदु 'झ' से आगे बढ़ते हुए पूर्व की ओर ग्राम मदनमोहनपुर के प्लॉट सं 525,526,527,528,529,530 एवं 557 के दक्षिणी सीमा से चलकर बिंदु 'त्र' पर मिलती है, पुनः रेखा उत्तर की ओर ग्राम मदनमोहनपुर के प्लॉट सं 557,523,522,512,511,599,502,486,485,484,483 एवं 475 की पूर्वी सीमा से होकर आरंभिक बिंदु 'क' पर मिलती है ।

[फा. सं. — 43015/25/2004-पी.आर.आई.डब्ल्यू.]

एम. शहाबुद्दीन, अवर सचिव

MINISTRY OF COAL

New Delhi, the 9th November, 2005

S. O. 4327.—Whereas by the Notification of the Government of India in the Ministry of Coal, S.O. number 3096 dated 24 th November, 2004 under sub-section (i) of Section-4 of the Coal Bearing Areas (Acquisition & Development) Act, 1957 (20 of 1957) hereinafter referred to as the said Act, and published in Part-II, Section-3, Sub-Section (ii) of the Gazette of India dated 4th December 2004, the Central Government gave notice of its intention to prospect for coal in land measuring 103.000 acres (approximately) or 41.680 hectares (approximately) in the locality specified appended thereto as are in the Schedule hereto annexed;

And whereas the Central Government is satisfied that coal is obtainable in the said land ;

Now, therefore, in exercise of the powers conferred by Sub-Section (i) of Section-7 of the said Act, the Central Government hereby gives notice of its intention to acquire the land measuring 97.750 acres (approximately) or 39.560 hectares (approximately) in All Rights and 5.25 acres (approximately) or 2.120 hectares (approximately) in Mining Rights as described in the schedule appended hereto.

1. The Plan bearing NO. MCL/SAMB/CGM (CP&P)/ CBA. LING/ 2005/32 dated 10th June, 2005 in-respect of All rights and (ii) the plan bearing NO. MCL/SAMB/CGM (CP&P)/ CBA. LING/ 2005/33 dated 10th June, 2005 in respect of Mining rights covered by this notification may be inspected in the office of the Collector, Angul, (Orissa) or in the office of the Coal Controller, 1, Council House Street, Kolkata, or in the office of the Mahanadi Coalfields Limited (Corporate Planning & Project Department), Jagriti Vihar, P.O- Jagriti Vihar, Burla, Dist. Sambalpur (Orissa).

2. Attention is hereby invited to the provisions of section 8 of the said Act, which provide as follows:-

Objection to acquisition

“ 8 (i) - Any person interested in land in respect of which a notification under section 7 has been issued, may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or any rights in or over such land.

Explanation

(1) It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operation in the land for the production of coal and that such operation should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub section (1) shall be made to the competent authority in writing and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government.

(3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act. "

The Coal Controller, 1 Council House Street, Kolkata has been appointed by the Central Government as the Competent Authority under the Act vide notification no. SO 2015 dated the 10th July 95.

Schedule

**Talchar Coalfields, (Lingraj Area)
Lingraj OCP, District (Orissa)**

All Rights

(Plan No. MCL/SBP/CGM (CP&P)/ CBA. LING/ 2005/32 dated 10.06.2005)

Sl. No.	Village	Police Station & number	Tahsil / Sub Div.	District/ State	Area in acres	Remarks
1	2	3	4	5	6	7
1	Balugaon Khamar	Talcher - 125	Talcher	Angul/ Orissa	31.000	Part.
2	Madanmohanpur	Talcher-124	Talcher	Angul/ Orissa	66.750	Part.
Total : 97.750 acres (approximately) or 39.560 hectares (approximately)						

1. Plot numbers to be acquired in village Balugaon Khamar (Part) :-

24(P), 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 98(P), 99, 100, 101(P), 124(P), 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 231(P), 233(P), 33/352, 170/353, 169/357, 233/365, 174/366, 174/367, 174/368, 174/369, 174/370, 174/371, 174/372, 174/373, 174/374, 174/375, 174/376, 30/377, 30/378, 30/379, 233/408(P), 196/455, 34/518, 172/529, 153/530(P), 153/531(P), 40/538, 177/541, 46/546(P), 197/551, 40/552, 46/564, 40/589, 197/604, 197/631, 46/649(P), 40/654, 40/658, 40/659(P), 499/660(P), 46/663(P), 33/669, 46/675(P), 169/678, 33/695, 32/696, 352/697, 538/708, 40/717, 40/718, 169/807, 172/827, 177/828, and 33/832.

2. Plot numbers to be acquired in village Madanmohanpur (Part) :-

126, 127, 130, 131, 132, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159(P), 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 187(P), 198, 199, 200, 201, 202, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 261, 266, 267, 268, 269, 270(P), 323(P), 327, 328(P), 329(P), 330, 331, 332, 333, 334, 335, 336, 337, 338, 339(P), 340(P), 416, 445, 446, 447, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 465, 466, 467, 468, 469, 470, 473, 533, 183/551, 183/552, 327/558, 335/560, 183/574, 270/577, 270/578, 270/579, 183/586, 271/590, 183/592, 183/594, 183/595, 183/596, 183/597 and 533/598(P).

Boundary description :

A-B-C :- Line starts from point 'A' situated at north east corner of plot no. 475 of village Madanmohanpur and proceeds towards east along the southern boundary of plot no. 604 and meets at point 'B' then proceeds towards north along the western boundary of plot no. 604, 186 and 654 of village Madanmohanpur and meets at point 'C'.

C-D-E :- From point 'C' the line proceeds towards west along the northern boundary of plot no. 654, 545 and 602 of village Madanmohanpur and meets at point 'D', line further proceeds towards south along the western boundary of plot no. 602, 600, 601 & 186 of village Madanmohanpur and meets at point 'E'.

E-F-G :- From point 'E' the line passes through plot no. 473 and proceeds towards west along the northern boundary plot no. 464 of village Madanmohanpur and meets at point 'F', line further proceeds towards south along the western boundary of plot no. 464 & 471 of village Madanmohanpur and meets at point 'G'.

G-H-I :- From point 'G' the line proceeds towards east along the southern boundary of plot no. 471 & 472 of village Madanmohanpur and meets at point 'H', line further proceeds towards south along the eastern boundary of plot no. 473 of village Madanmohanpur and meets at point 'I'.

I-J-K :- From point 'I' the line moves towards west along the common boundary of village Balugaon Khamar and Madanmohanpur and meets at point 'J', line further proceeds towards north along the western boundary of plot no. 473 of village Madanmohanpur and meets at point 'K'.

K-L-M :- From point 'K' line proceeds towards west along the northern & western boundary of plot no. 445 then proceeds towards east along the northern boundary of plot no. 447 and then proceeds towards north along the western boundary of plot no. 467, 459, 458, 457, 454 of village Madanmohanpur and meets at point 'L', line further proceeds towards northwest through plot no. 339 of village Madanmohanpur and meets at point 'M'.

M-N-O :- From point 'M' the line proceeds towards north west and passes through plot no. 340, 328 and further proceeds along the western boundary of plot no. 558, 327 and turns towards north along the western and northern boundary of plot no. 327, and further moves along the western boundary of plot no. 328 & 323 of village Madanmohanpur and meets at point 'N', line further passes through plot no. 323, 329, 270 and line further proceeds along the northern boundary of plot no. 590, 261, further turns towards south along the eastern boundary of plot no. 261 and further proceeds along the northern boundary of plot no. 267, 266, 228, 227, line turns towards south along the eastern

boundary of plot no. 227 , and further proceeds along the northern boundary of plot no.219,218,202,201, line further proceeds along the eastern boundary of plot no. 201 and moves further along the northern boundary of plot no. 199,198 then passes through plot no. 187 and proceeds further along the northern boundary of plot no. 126 of village Madanmohanpur and passes through plot no. 24 of village Balugaon Khamar and meets at point 'O'.

O-P-Q :- From point 'O' the line turns towards north and proceeds along the western boundary of plot no. 669,695,352,697,25 of village Balugaon Khamar and meets at point at 'P', line further proceeds towards east along the northern boundary of plot no.25,27,28 and passes through plot no. 211 of village Balugaon Khamar and meets at point 'Q'.

Q-R-S :- From point 'Q' the line proceeds along the western boundary plot no.179, 180,181,182,183,184, of village Balugaon Khamar and meets at point at 'R', line further proceeds towards east along the northern boundary of plot no.184,191,192,195,199, line further proceeds along the northern boundary of plot no.365,408 of village Balugaon Khamar and meets at point 'S'.

S-T-U :- From point 'S' the line passes through plot no. 231,408,233 of village Balugaon Khamar and meet at point 'T', line further proceeds along the southern boundary of plot no. 551,179,156 of village Balugaon Khamar , line further proceeds along the east southern boundary of plot no. 156,158,159, line further proceeds along the eastern and southern boundary of plot no.165 of village Balugaon Khamar and meets at point at 'U'.

U-V-W :- From point 'U' the line passes through plot no. 531,530,124,659, and moves along the eastern boundary of plot no. 208 of village Balugaon Khamar and meets at point 'V', line further proceeds along the southern boundary of plot no.208,538,552,40 of village Balugaon Khamar and meets at point 'W'.

W-X-Y :- From point 'W' the line proceeds towards north along the western boundary plot no. 24 of village Balugao Khamar, line further turns towards western and northern boundary of plot no. 127 of village Madanmohanpur and meets at point 'X', line further proceeds along the northern boundary of plot no.128,129,554 of village Madanmohanpur and meets at point 'Y'.

Y-Z-Z 1 :- From point 'Y' the line proceeds along the eastern boundary plot no. 130,132,142 of village Madanmohanpur and meets at point 'Z', line further proceeds towards along the southern boundary of plot no.142 and eastern and southern boundary of plot no. 158, line further passes through plot no.159, and proceeds along the southern boundary of plot no.167,168,172,173,174,175,176 of village Madanmohanpur and meets at point 'Z 1'

Z1-Z2-Z3 :- From point 'Z1' the line proceeds towards south along the eastern boundary plot no. 564 and passes through plot no.663 of village Balugaon Khamar and meets at point 'Z2'. line further passes through plot no. 546,101,102 of village Balugaon Khamar and meets at point 'Z3'

Z3-Z4-A :- From point 'Z3' the line proceeds along the southern boundary of plot no. 99 and passes through plot no.98,649,675 of village Balugaon Khamar , line further passes through plot no. 598 of village Madanmohanpur and meets at point 'Z4', line further proceeds towards north along the western boundary of plot no.598and 533 of village Madanmohanpur and meets at starting point 'A'.

Schedule**Talchar Coalfields (Lingraj Area)
Lingraj OCP, District (Orissa)****Mining Rights**

(Plan No. MCL/SBP/CGM (CP&P)/ CBA. LING/ 2005/33 dated 10.06.2005)

SL. No.	Village	Police Station & No	Tahsil / Sub Div.	District/ State	Area in acres	Remarks
1.	2	3	4	5	6	7
1	Madanmohanpur	Talcher-124	Talcher	Angul/ Orissa-	5.250	Part.
Total 5.250 acres. (approximately) or 2.120 hectares (approximately)						

1. Plot numbers to be acquired in village Madanmohanpur(Part) :-

186,464,471,472,474,475,476,477,478,479,480,481,482,483,484,485,486,487,488, 489,,490,491,492,493,494,495,496,497,498,499,500,501,502,503,504,505,506,507, 508,509,510,511,512,513,514,515,516,517,518,519,520,521,522,523,524,525,526, 527,528,529,530,186/544,186/545,523/557,500/566, 502/599,544/600, 544/601, 544/602, 186/604, 508/611,186/645, 545/654, and 505/659.

Boundary description :

A-B-C :- Line starts from point 'A' situated at north east corner of plot no. 475 of village Madanmohanpur and proceeds towards east along the southern boundary of plot no.604 and meets at point 'B' then proceeds towards north along the eastern boundary of plot no. 604,186 and 654 of village Madanmohanpur and meets at point 'C'.

C-D-E :- From point 'C' the line proceeds towards east along the northern boundary of plot no.654,545,544 and 602 of village Madanmohanpur and meets at point 'D', line further proceeds towards south along the eastern boundary of plot no. 602,600,601,& 186 of village Madanmohanpur and meets at point 'E'.

E-F-G :- From point 'E' the line passes through plot no.473 and further proceeds towards west along the northern boundary of plot no.464 of village Madanmohanpur and meets at point 'F', line further proceeds towards south along the eastern boundary of plot no. 464 & 471 of village Madanmohanpur and meets at point 'G'.

G-H-I :- From point 'G' the line proceeds towards east along the southern boundary of plot no.471 & 472 and further passes through plot no. 473 of village Madanmohanpur and meets at point 'H', further line turns towards south and proceeds along the eastern boundary of plot no.493,494,495,496,497,505,659,506,519,520,521,524 & 525 of village Madanmohanpur and meets at point 'I'.

I-J-A :- From point 'I' the line proceeds towards east along the southern boundary of plot no.525,526,527,528,529,530,& 557 of village Madanmohanpur and meets at point 'J', further line proceeds towards north along the eastern boundary of plot no. 557,523,522,512,511,599,502,486,485,484,483, & 475 of village Madanmohanpur and meets at the starting point 'A'.

[No. 43015/25/2004-PRIW]

M. SHAHABUDEEN, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 20 अक्टूबर, 2005

का. आ. 4328.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन ऑयल कार्पो. लि. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली संख्या-1 के पंचाट (संदर्भ संख्या 68/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-05 को प्राप्त हुआ था।

[सं. एल.-30011/32/2002-आई आर (विविध)]
बी. एम. डेविड, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 20th October, 2005

S. O. 4328.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 68/2002 of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi No. 1 as shown in the Annexure, in the industrial dispute between the management of Indian Oil Corporation Ltd. and their workmen, which was received by the Central Government on 20-10-2005.

[No. L-30011/32/2002-IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

**BEFORE SHRI S. S. BAL, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, NEW DELHI**

I. D. No. 68/2002

In the matter of dispute between :

Shri H. C. Verma,
275-A, Pocket C,
Mayur Vihar,
Phase-II,
Delhi-110091.

... Workman

Versus

The General Manager,
Indian Oil Corporation Ltd.,
Pipe Line Div. A-1, Udyog Marg,
Sec. 1 (U.P.),
NOIDA (U.P.)-201301

... Management

APPEARANCES:

None for the workman.

Shri Sunil Parkash A/R for the management.

AWARD

This Central Government in the Ministry of Labour vide its Order No. L. 30011/32/2002-IR(M) dated 2-8-2002 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the General Manager, Indian Oil Corporation Ltd., Pipe Line Division, A-1, Udyog Marg, Sector-1, Noida-201301 in dismissing from services w.e.f. 30-11-1994 Shri H. C. Verma Ex-Assistant, Pipe Line Head Office, Material Department of Indian Oil Corporation Ltd. is justified, valid and legal? If not to what relief and benefits he is entitled to?"

2. Perusal of the record shows that the workman is not appearing in this case and he last appeared on 6-12-2004 and thereafter he had not appeared on subsequent hearings on 14-2-05, 19-4-05, 13-6-05 and today also on 17-10-05. It appears that the workman is not interested in contesting the case. Hence the evidence of the workman is closed and No Dispute Award is passed in this case.

Dated : 17-10-05.

S. S. BAL, Presiding Officer

नई दिल्ली, 20 अक्टूबर, 2005

का. आ. 4329.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 9/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-05 को प्राप्त हुआ था।

[सं. एल.-12012/89/2003-आई आर (बी.-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 20th October, 2005

S. O. 4329.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 9/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the industrial dispute between the management of UCO Bank and their workmen, which was received by the Central Government on 20-10-2005.

[No. L-12012/89/2003-IR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, JAIPUR**

Case No. CGIT-9/2004

Reference No. L-12012/89/2003-IR (B-II)

Sh. Ramashankar,
S/o Sh. Ganpatlal Joshi,
R/o Data House, Chandpole Bazar Gate,
Jaipur.

... Applicant

Versus

The Assistant General Manager,
UCO Bank,
Arcade International,
2nd Floor,
Ajmer Road, Jaipur

... Non-applicant

PRESENT:

Presiding Officer : Sh. R. C. Sharma..

For the applicant : Sh. Suresh Kashyap.

For the non-applicant : Sh. Surendra Singh.

Date of award : 06-9-2005.

AWARD

1. The Central Government in exercise of the powers conferred under Clause 'D' of Sub-sections 1 & 2(A) to Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act') has referred this industrial dispute for adjudication to this Tribunal which runs as under :

"Whether the action of the management of UCO Bank in terminating the services of Sh. Ramashankar w.e.f. 27-2-1992 is legal and justified? If not, to what relief is the concerned workman entitled?"

2. The workman submitted his claim statement on 13-2-2004 and after seeking the permission of this Court has filed the amended claim statement on 11-2-2005, wherein he has pleaded that he was initially appointed on 15-7-1985 as a 4th Class in the bank, who continued in its employment till 14-8-87 and on 15-8-87 his service was terminated. He raised an industrial dispute before the Conciliation Officer and the Central Government referred the dispute to the Industrial Tribunal and on 5-10-91 an award on merits was passed by the Tribunal in his favour terming his termination as illegal and unjustified. He has further pleaded that pursuant to the award dated 5-10-91 he reported for duty on 27-2-92 but with effect from the afternoon of 27-2-92 his service was terminated. Feeling aggrieved with it, he preferred a writ petition before the High Court, which rejected it and the DB Special Appeal preferred by him was also rejected on the ground of the alternatively remedy being available to him. The workman has clarified that the delay was caused on account of filing the writ petitions before the High Court. He has alleged that prior to the termination of his service neither the notice was served upon him nor the pay in lieu of the notice nor the retrenchment compensation were paid to him. He has urged that his termination be declared as illegal and unjustified and he be reinstated in the service with all consequential benefits.

3. Resisting the claim, the non-applicant in his amended written-counter has averred that the workman was engaged for the contingent works as a part-time

employee, who only worked for one or one-and-half hours per day and whose attendance was not recorded in the attendance register. As and when his services were required, he used to be called for to carry out the job of the bank, that the notice was served upon him and the retrenchment compensation was also offered to him, which he declined to acknowledge and thereafter the notice was sent to him through the registered post on 27-2-2002 along with the another notice under the postal cover. The non-applicant has admitted that an award was passed by the Industrial Tribunal on 5-10-91 in favour of the workman. It has also been further stated that since the services of the workman were not required by the bank, he was terminated and no violation of the provision under Section 25-F of the Act was committed on behalf of the bank.

4. In the rejoinder, reiterating the facts as narrated in the amended statement of claim, the workman has denied that any registered notice was served upon him, nor he was in the receipt of the notice under postal cover, nor one month's salary in lieu of the notice was offered to him.

5. On the pleadings of both the parties, the following points for determination were framed:

I. Whether the workman had reported for duty on 27-2-92 before the non-applicant bank and worked on the same day, but with effect from the afternoon of 27th February, 1992, his service was terminated without issuing him a valid notice and giving him the adequate compensation? BOA

II. Whether the termination order of the workman is illegal and unjustified? BOA

III. Whether the workman is entitled for reinstatement in the service with back-wages and consequential benefits? BOA

6. In the evidence, the affidavit of the workman WW-I, Ramashankar has been submitted on the record and on behalf of the non-applicant, the counter-affidavit of MW-1, Y. K. Sharma, Assistant Chief Officer (P) was placed on the record. Both these witnesses were cross-examined by the respective opposite representative.

7. I have heard both the parties and have scanned the record. The point-wise discussion follows as under :

Point Nos. I & II :

8. Both these points relate to the question of violation under Section 25-F, clauses (a) and (b) of the Act, which are involved in this dispute and hence, they are being discussed together hereunder.

9. The Id. representative for the workman contends that the claimant was appointed on 15-7-1985, who continued under the employment of the bank till 14-8-1987 and on 15-8-1987 his service was terminated, who raised the industrial dispute before the Conciliation Officer and a reference was made to the Industrial Tribunal, which passed

an Award (Ex. W-1) on 5-10-1991 in favour of the workman. The workman joined his duties on 27-2-1992 in the bank and from the afternoon of 27-2-1992 his service was terminated, who filed the writ petition before the Hon'ble Rajasthan High Court. The Id. representative further contends that thereafter he raised the dispute before the Conciliation Officer and the Central Government has referred this dispute to this Tribunal. The Id. representative further contends that while terminating the service of the workman on 27-2-1992 neither the notice nor the compensation amount was paid to the workman and the Id. representative has further questioned the plea adopted by non-applicant that the notice was served on the workman through the registered post as well as under the postal cover by contending that the receipt of the compensation amount and the receipt of registered notice have not been filed by the bank before the Court, which will assume that compliance under Section 25-F of the Act has not been made. It has also been contended on behalf of the workman that the plea of the non-applicant that he was a part-time employee is an afterthought and the bank has failed to discharge the burden of proving that a legal notice was served upon him.

10. Per contra, the Id. representative for the non-applicant submits that in the claim statement the workman had earlier stated that inadequate compensation was given to him but subsequently in his amended claim statement he has denied this fact and has stated that no compensation amount was paid to him nor the notice was served upon him. The Id. representative has asserted that the compensation worth Rs. 480 in lieu of one month's notice and Rs. 1680 as the salary of three and half months was paid to the workman on 27-2-1992, but has further admitted that no receipt of this payment could be produced by the bank on the record. The Id. representative has also candidly admitted that no other document in support of the submission advanced on behalf of the bank could be brought on the record. The Id. representative has further submitted that the workman was a part-time employee and since there was no requirement of his service, he was terminated. Lastly, the Id. representative contends by placing his reliance upon the various judicial pronouncements that instead of reinstating the workman, the compensation amount may be awarded to him looking to the fact that long years have expired since his disengagement.

11. I have bestowed my thoughtful consideration to the rival contentions and have carefully gone through the judicial pronouncement referred to before me during the course of arguments.

12. Section 25-F, clause (a) lays down that no workman shall be retrenched until he has been given one month's notice in writing indicating reasons for retrenchment and the period of notice is expired. Its clause (b) says that the employer is required to pay the compensation amount to the workman at the time of his retrenchment.

13. Now the question which calls for consideration is whether the management has followed both the requirements supra.

14. The workman's case is that while dispensing with his service on 27-2-92, neither the notice was served upon him nor the retrenchment compensation was paid to him by the bank. But on behalf of the bank it has been alleged during the course of the arguments that the pay in lieu of the notice and retrenchment compensation for a period of three months were paid to the workman on 27-2-92 and the registered notice as well as the notice under postal cover were also served upon him. But no documentary evidence could be adduced on behalf of the bank in support of its submission. Contrary to it, it has been pleaded in the written-counter that at the time of terminating his service the notice and the compensation amount as per the provisions of the law were given to him, but he declined to acknowledge the compensation amount and thereafter a registered notice terminating his service was issued to him vide receipt number 1570 dated 27-2-92 along with the notice under postal cover. Thus, ex facie, the pleas canvassed on behalf of the bank are divergent in themselves since during the course of argument it was urged that the retrenchment compensation was paid to the workman contrary to the averment made in the written-counter whereby the workman had declined to accept the compensation amount offered on behalf of the bank. Apart it, admittedly no documentary evidence could be brought on the record to substantiate the plea of the bank but the registered notice was served on the workman or the retrenchment compensation was offered/paid to the workman.

15. Turning to the oral evidence gathered on the record, MW-1 Y. K. Sharma has deposed in his affidavit that no contravention of the provision under Section 25-F of the Act was committed on behalf of the bank but has admitted in the cross-examination that the copy of the alleged notice has not been produced in the Court, nor any such document could be placed to suggest that the required compensation amount was paid to the workman.

16. The workman in his cross-examination has categorically stated that he was taken back in the service on 27-2-92 by the bank, but while terminating his service no compensation was paid to him. He has further emphatically denied that any notice was sent at his residential address nor the cheque was sent to him. Thus, evidently the bank has failed to bring on record any iota of documentary evidence or any credible oral evidence which could lead to establish that the retrenchment compensation was offered/paid to him. It, therefore, flows from the aforesaid facts that the non-applicant has failed to observe the requirements laid down under Section 25, Clause (a) and (b) of the Act.

17. Now, I am faced with the another pertinent questions as to whether the workman was employed as a part-time employee.

18. It has been contended on behalf of the bank that the workman was employed as a part-time employee on the work-requirement basis and as and when the necessity arose, his services were taken by the bank, who performed his duties for one or one and half hours per day. The workman has sought to controvert this submission by

contending that this question had arisen before the Industrial Tribunal while considering the dispute in the award Ex. W-1 dated 5-10-91.

19. I have carefully gone through the award dated 5-10-91 passed by the Industrial Tribunal, Jaipur. The Id. Judge, Industrial Tribunal has recorded his finding on this point at para 6 wherein it has been observed that it is not proved that the services of the workman were taken as a part-time employee. Therefore, the contention raised on behalf of the bank during the course of argument before me had already been negated by the Tribunal in its award Ex. W-1, which operates as res judicata on this point raised by bank and no such submission can now be put forth before this Court.

20. Therefore, the inevitable conclusion which flows from the aforesaid facts is that the service of the workman was terminated on 27-2-92 in contravention of Section 25-F, Clauses (a) & (b) of the Act, which tantamounts to retrenchment. Accordingly, both these points are decided in favour of the workman and against the non-applicant.

Point No. III

21. The Id. representative for the non-applicant contends that looking to the fact that long years have been expired since the alleged termination of the workman, the retrenchment compensation should be paid to him by the Tribunal instead of reinstating him. It has been opposed on behalf of the workman by arguing that in the award Ex. W-1 dated 5-10-91, the Industrial Tribunal had held that the non-applicant has violated the provisions under Section 25-F, 25-G and 25-H of the Act respectively and when the workman was taken back in the service by the non-applicant on 27-2-92, on the same day his service was terminated. It has thus been contended that in these circumstances only his reinstatement would meet the ends of justice.

22. The Id. representative for the bank in support of his submission has drawn my attention towards 1997 (II) SCC 396; 2001 LLJ Delhi 191; 2003(3) WLC (Raj.) 140 and 2004 (2) SLR Raj. 289, wherein the retrenchment amount was paid to the workman instead of reinstating him in the service on account of elapsing long years since the termination of the concerned workman. But the facts of these cases do not resemble the present controversy and they are of no avail to the non-applicant.

23. As against it, the Id. representative for the workman has placed his reliance upon 2001 (88) FLR SC 741 and 1996(3) WLC Raj. 429.

24. In 2001 (88) FLR SC 741, the Industrial Tribunal after holding an enquiry held that the termination of the services of the workman was clearly retrenchment, but it refused to grant relief of reinstatement on the ground that the regular appointment to the post held by the workman could only be made under the concerned service regulations and it granted benefits of retrenchment with 12 per cent interest for the relevant period. The High Court concurred with the finding recorded by the Tribunal. But the Hon'ble Apex Court has observed that the workman ought to have been

ordered to be reinstated in service once it was found that his services were illegally terminated on the post he was holding including its nature. The facts of this case are squarely applicable to the present controversy and adds assistance to the submission set forth on behalf of the workman. In the another decision 1996 (3) WLC Raj. 429, the Hon'ble High Court has also expressed the similar views.

25. In the controversy on hand, twice the workman has strived to achieve his legitimate rights and benefits and was forced to land in the legal battle for the defiance of legal provisions committed by the bank on its own part. Therefore, looking to the facts and circumstances of the case, I am inclined to hold that on justifying his claim by the workman, the relief prayed by him should be awarded by reinstating him into the service with its continuity and back-wages.

Relief :

26. For the foregoing reasons, the workman has succeeded to establish his claim and he is entitled to be reinstated in the service. He has also pleaded his unemployment since his termination, which could not be rebutted by the bank. Therefore, he is also entitled to get the back-wages.

27. Resultantly, the reference is answered in the affirmative in favour of the workman and against the non-applicant bank and it is held that the termination order dated 27-2-92 passed by the management of non-applicant bank is illegal and unjustified and is quashed accordingly. The claim of the workman is allowed and it is further held that he is entitled to be reinstated in the service with its continuity and with 50 per cent back-wages. An award is passed in these terms accordingly.

28. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 20 अक्टूबर, 2005

का. आ. 4330.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ़ बड़ोदा के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 2/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-05 को प्राप्त हुआ था।

[सं. एल.-12012/166/2003-आई. आर. (बी.-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 20th October, 2005

S.O. 4330.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 2/2004)

of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda and their workmen, which was received by the Central Government on 20-10-2005.

[No. L-12012/166/2003-IR(B-II)
C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT-2/2004

[Reference No. L-12012/166/2003-IR (B-II)]

Sh. Ram Prakash Sharma,
S/o Late Sh. Panchu Ram Sharma,
R/o Village Ramchadrapura (Pradhano Ki Dhani),
RIICO Industrial Area, Sitapura,
Jaipur.

... Applicant

Versus

The Deputy General Manager,
Bank of Baroda,
Anand Bhawan, 4th Floor,
Sansar Chandra Road,
Jaipur-302001.

... Non-Applciant

PRESENT:

Presiding Officer : Sh. R. C. Sharma.

For the applicant : Sh. Rajendra Arora.

For the non-applicant : Sh. T. P. Sharma

Date of award : 27-9-2005

AWARD

1. The Central Government in exercise of the powers conferred under Clause 'D' of Sub-sections 1 & 2(A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act') has referred this industrial dispute for adjudication to this Tribunal which runs as under :

"Whether the action of the management of Bank of Baroda in terminating the services of Shri Ram Prakash Sharma w.e.f. 16-7-2002 was legal and justified ? If not, what relief the workman is entitled to and from which date ?"

2. The workman has pleaded in his claim statement that initially he was employed as a subordinate staff on 1-6-1992 by the management of the non-applicant bank in its regional office at Jaipur, who worked on the daily wages basis in the different branches of the non-applicant bank in four spells exhibited as below :

- (i) From 1-6-92 to 26-9-92 in the regional office at Jaipur as a daily wagger and a certificate Ex. 1 was issued in his favour by the management.

- (ii) Thereafter he was employed as a daily wagger on 6-4-99 by the non-applicant bank at its extension counter, Nehru Place, Jaipur where he continuously worked up to 30-9-2000 and completed 499 days of work, for which a certificate Ex. 2 was issued in his favour.

- (iii) Then as per the directions, his services were utilized by the Park Street Branch, Jaipur of the non-applicant bank where he worked from 1-10-2000 to 23-3-2002 and a certificate Ex. 3 was issued in his favour.

- (iv) Ultimately, during the 4th spell he worked from 26-3-2002 to 15-7-2002 in the newly opened branch of the non-applicant bank at Kukas.

3. The workman has thus claimed that from 6-4-99 to 15-7-2002, he has rendered, in total, 1218 days of service under the employment of the non-applicant bank and has further averred that he was discharging all kinds of duties similar to that of a subordinate employee. But on 16-7-2002, without serving upon him a legal notice or without making payment of salary in lieu of the notice and the retrenchment compensation, his service was terminated by an oral order. He requested the bank authorities vide his letter dated 17-12-2002 (Ex. 4) to take him back in the service, but his request was not acceded to. The workman has assailed his termination order on the grounds that his service was terminated in violation of Section 25-F of the Act and at the time of terminating his service the junior employees to him were retained by the bank in violation of Section 25-G of the Act and Rule 77 of the ID Rules, 1957. He has urged to declare his termination order as unjustified and illegal and to reinstate him in the service with its continuity and all consequential benefits.

4. The non-applicant in his written counter disputing the claim of the workman has averred that the workman was employed to discharge the contingent work in the regional office only for a period of 90 days, that on the basis of the requirement of work his services were taken by the bank for a fixed period and on the expiry of the said period, his employment automatically came to an end. The non-applicant has also denied that the workman had ever completed 240 days of service with the bank and has added that he was employed as part-time worker on the contractual basis. He has denied that junior employees to him were retained by the bank and has categorically stated that there is a difference in the category of the regular employee and that of a daily wagger.

5. In the rejoinder, the workman has reiterated the facts as narrated by him in his claim statement.

6. On the pleadings of both the parties, the following points for determination were framed :

- I. Whether the non-applicant bank has employed the workman as temporary subordinate employee from 1-6-1992 to 26-7-1992 on daily wages, who was appointed as subordinate employee against the regular post by the non-

applicant bank on 6-4-1999 at its counter extension IDS, Jhalana Dungari, who continuously worked there up to 30-9-2000 and thus continuously worked under the employment of the non-applicant bank from 6-4-1999 to 15-7-2002 at its various offices ?

- II. Whether the services of the workman was terminated on 16-7-2002 in violation of Section 25-F of the Act ?
- III. Whether at the time of terminating the service of the workman, his juniors were retained by the non-applicant bank in violation of Section 25-G of the Act and Rule 77 of the Rules ?

IV. Relief, if any.

7. In the evidence, the workman has examined himself as WW-1 and in the rebuttal, the counter-affidavits of MW-1 Subhash Chand Garg, OIC, MW-2 Paresh Kumar Bagot, Branch Manager and MW-3 Narayan Lal Lekhra, Sr. Manager have been placed on the record. All these witnesses were cross-examined by the respective opposite representative. Both the parties have also led the documentary evidence on the record.

8. I have heard both the parties and have scanned the record. The point-wise discussion follows as under :

Point Nos. I & II :

9. Since both these points contain the identical questions of facts and law, these are being discussed together as hereunder.

The Id. representative for the workman contends that the workman had worked at different branches of the bank, who initially worked from 1-6-92 to 26-9-92 in the regional office of the non-applicant bank, then he was employed from 6-4-99 to 30-9-2000 at the extension counter of Nehru Place Branch and thereafter he worked for 135 days from 1-10-2000 in the Park Street Branch and also continued to work there by 23-3-2002. Lastly, as per the submission of the Id. representative, the workman was engaged from 26-3-2002 to 15-7-2002 in the newly opened branch of the bank at Kukas. During the course of the argument, the Id. representative has only emphasized upon the period of work commencing from 6-4-99 to 15-7-2002 and has submitted that during this period the workman had worked for 1218 days in total, but his service was terminated in violation of Section 25-F of the Act. The Id. representative for the workman has also raised an objection that despite the direction dated 18-10-2004 given to the non-applicant to submit the relevant record before the Court, the non-applicant has submitted the record pertaining to the Kukas branch and has wilfully and deliberately withheld for which an adverse inference should be drawn against him. The Id. representative has argued that on the basis of the record and the details given by the workman in his affidavit he had completed 240 days in three calendar years preceding to his termination. With regard to the genuineness of the documents submitted on behalf of the workman, the Id.

representative has pointed out that these documents have been admitted by the management witnesses.

11. Per contra, the Id. representative for the non-applicant contends that during the period from 6-4-99 to 15-7-2002, the workman had worked in different branches and on the expiry of the employment period from 6-4-99 to 30-9-2000, the workman had not challenged the terminating order. Thereafter he worked only 135 days in the Kukas branch, as such he is not entitled for reinstatement. The Id. representative has also questioned the relevancy of the certificates Ex. W-1 to W-3 filed on behalf of the workman by contending that these documents nowhere say that the workman had completed 240 days during his employment. The next contention advanced on behalf of the non-applicant is that the workman was employed to discharge the urgent work for the fixed periods, who had not completed 240 days of work with the bank.

12. I have bestowed my anxious consideration to the rival contentions and have carefully gone through the judicial pronouncements referred to before me.

13. Now, the prime question which crops up for determination is whether the workman had continuously completed 240 days of actual service in a calendar year preceding to his date of termination.

14. To substantiate his plea, the workman has relied upon the certificates Ex. 1 to Ex. 3. Ex. 1, the certificate dated 29-9-92 states that the workman had worked from 1-6-92 to 26-9-92 on the temporary basis in the regional office. However, this document has not been pressed on behalf of the workman for computing of the working period. The next certificate is Ex. 2 dated 24-7-01 issued by the officer in-charge of the extension counter, Nehru Place, which verifies that the workman had worked from 6-4-99 to 30-9-2000 at the Extension Counter, Nehru Place and has completed 499 days of service. Last is the certificate Ex. 3 stating that the workman worked from 1-10-2000 and has completed 135 days at the Park Street branch and it has been shown on behalf of the workman that even after completion of 135 days he was working with Park Street branch till 23-3-2002 and, lastly, he performed his duties at Kukas branch from 26-3-2002 to 15-7-2002. Besides these documents, the workman has also brought on the record the photocopies of the attendance register Ex. W-1 and W-2.

15. Though the genuineness of these documents has been assailed on behalf of the bank, but MW-1 Subhash Chand Garg in his cross-examination has admitted that Ex. W-1 is the photocopy of the attendance register pertaining to their office, which bears the name of the workman "Ram Prakash Sharma" between A to B. He has further admitted that certificate Ex. W-2 has been issued by our extension counter. To a question, MW-3 Narayan Lekhra has pleaded his ignorance as to whether the certificate Ex. W-3 belongs to the bank or not. As such, this witness could not definitely state that the document does not belong to the bank and, therefore, it can be safely inferred that it belongs to the bank. Therefore, the genuineness of these documents cannot be doubted.

16. Turning on the next question of completion of 240 days in a calendar year, counting backward from 16-7-2002, the date of termination of workman's service, the preceding calendar year on reckoning is found from 16-7-2001 to 15-7-2002 and forwarding past, the rest of the preceding calendar years may be computed from 16-7-2000 to 15-7-2001 and 16-7-99 to 15-7-2000 respectively. On the basis of the materials available on the record as narrated above, the workman's case is that in the first preceding year he has completed 332 days, in the next preceding calendar year 293 days and in the remaining calendar year he has completed 334 days. The workman has placed on record the year-wise charts calculating the number of days put in by him respectively. On his behalf it has been explained that he has based his calculation for the calendar year 16-7-1999 to 15-7-2000 on certificate Ex. 2 plus the attendance register, for the calendar year 16-7-2000 to 15-7-2001 on Ex. 2 and Ex. 3, the certificates. Adding to it, the workman has also contended that he continued to work in the year 2001 and by 23rd March, 2002 at Park Street Branch. I find considerable force in the submission advanced on behalf of the workman that the bank has deliberately withheld the record pertaining to this period despite the direction dated 18-2-2004 issued by the Court and as such the adverse inference should be drawn against the bank. For the remaining calendar year from 16-7-2001 to 15-7-2002, the workman along with the plea of adverse inference has also relied upon the vouchers produced by the bank.

17. On carefully scrutinizing the materials placed before me, the number of working days completed by the workman during these three preceding calendar years are worked out at 332 days in the calendar year 16-7-2001 to 15-7-2002, 294 days in the calendar year 16-7-2000 to 15-7-2001 and 328 days in the next calendar year i.e. 16-7-99 to 15-7-2000. As such, in all these three calendar years the workman had comfortably completed over 240 days of actual service under the employment of the bank.

18. Apart, vide order dated 18-2-2004 of this Court, the payment vouchers of all these three branches for the period in question were summoned from the non-applicant bank and only the payment vouchers relating to Kukas Branch could be placed by the bank without assigning any reason of non-production of the payment vouchers belonging to the remaining two branches. In the absence thereof, the plea set forth on behalf of the workman that he had continuously worked during the alleged period becomes sustainable and adverse inference can be drawn against the non-applicant bank. The submission advanced on behalf of the workman on this score is fortified by the decision reported in 1999(4) LLN Madras 333, wherein the Hon'ble High Court has observed that when the management fails to produce the payment vouchers called for by the workman then the inference has to be drawn that the workman's case is true.

19. Now, I advert to the oral evidence gathered on the record. WW-1 Ram Prakash Sharma, the workman, in his cross-examination has emphatically deposed that he had worked for 449 days with the Nehru Place Branch and

then he had completed three months and twenty days under the employment of Kukas Branch. He has also replied to a question put to him that he had marked his attendance along with the regular employees in the attendance register, which is confirmed by the copies of the attendance register produced by him. Thus, the workman has also stood unshaken in his testimony. His evidence is positive and definite which can be relied upon.

20. MW-1 Subhash Chand Garg has stated that presently he is working in the Nehru Place Branch and that the workman was employed as a part-time employee on the requirement of work, who had not completed 240 days of work with the bank. Similar is the testimony of the other management witnesses, who have improved their deposition that the workman was employed as a part-time employee. But MW-1 Subhash Chand has admitted in his cross-examination that the workman was a temporary full-time employee and has also admitted the kinds of work discharged by the workman were similar to that of a 4th class (sub-staff) employee. MW-3 Shri Narayan Lal Lekhra has admitted that the workman was employed with the Park Street Branch who was doing all kinds of work similar to a 4th class and he was employed for the full day. Therefore, the plea set forth by the bank that the disputant was a part-time employee is even negated by the management witnesses.

21. Though, on behalf of the bank it has been asserted that the workman had never completed 240 days of work under its employment, but to controvert this fact no documentary evidence could be adduced on the record. The oral evidence of the management witnesses is indefinite and contradictory in itself and no credence can be attached to it.

22. The workman with the assistance of the documentary as well as the oral evidence has successfully established that he had completed over 240 days of actual work during the three consecutive preceding calendar years to the date of his termination, whose service was terminated in contravention of the provision contained under Section 25-F of the Act. The submission canvassed on behalf of the workman is further supported by the decision AIR 2005 SC 2799, wherein the Hon'ble Apex Court has observed that where the workman has worked for 240 days continuously even without any letter of appointment, the termination of his service would be contrary to the provisions of the Act and he will be entitled to the reinstatement. Similar views have been expressed by the Hon'ble Rajasthan High Court in WLC 1998 (1) 555.

23. To conclude, it has been successfully established on behalf of the workman that his termination amounts to retrenchment and he is entitled for the protection under Section 25-F of the Act. Both these points are accordingly decided in favour of the workman and against the non-applicant bank.

Point No. III

24. The Id. representative for the workman contends that an employee named Giridhari, who happened to be the

junior to the workman, was retained by the bank while terminating the service of the workman. Controverting the submission, the Id. representative for the bank contends that no such employee was employed by the bank.

25. Though the workman has pleaded in his claim statement that at the time of terminating his services, the junior employees to him were retained by the bank, yet no name of any such employee could be disclosed by him either in his claim statement or in his affidavit. No fact has emerged on the record to suggest that the indicated junior employee to the workman was retained by the bank. As such, no sufficient evidence could be led on this point to prove the factum of contravention of provision enshrined under Section 25-G of the Act. Accordingly, this point is decided against the workman and in favour of the bank.

Relief :

26. On account of the decision of points number I and II in favour of the workman, his claim deserves to be allowed. The workman has also pleaded his unemployment, which stands un rebutted and it entitles him to the back-wages.

27. In the result, the reference is answered in the affirmative in favour of the workman and against the non-applicant bank and it is held that the termination order dated 16-7-2002 passed by the management of Bank of Baroda against the workman is illegal and unjustified and is quashed accordingly. The claim of the workman is allowed and it is further held that he is entitled to be reinstated in the service with its continuity and with 50 per cent back-wages. An award is passed in these terms accordingly.

28. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 20 अक्टूबर, 2005

का. आ. 4331.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ोदा के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 33/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-05 को प्राप्त हुआ था।

[सं. एल.-12012/187/2002-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 20th October, 2005

S.O. 4331.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 33/2003 of the Central Government Industrial-cum-Labour Court,

Jaipur as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda and their workmen, which was received by the Central Government on 20-10-2005.

[No. L-12012/187/2002-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT-33/2003

[Reference No. L-12012/187/2002-IR (B-II)]

Sh. Babulal Raiger,
S/o Sh. Gurudayal Raiger,
R/o Gajsingh Pura, Post Herapura,
Jaipur (Rajasthan).

... Applicant

Versus

The Deputy General Manager,
Bank of Baroda,
Anand Bhawan, 4th Floor,
Sansar Chandra Road,
Jaipur-302001.

... Non-applicant

PRESENT:

Presiding Officer	: Sh. R. C. Sharma.
For the applicant	: Sh. Rajendra Arora & Sh. G. C. Jain
For the non-applicant	: Sh. R. K. Kala & R. C. Papiwal.
Date of award	: 30-9-2005

AWARD

1. The Central Government in exercise of the powers conferred under Clause 'D' of Sub-sections 1 & 2(A) to Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act') has referred this industrial dispute for adjudication to this Tribunal which runs as under :

"Whether the action of the management of Bank of Baroda in terminating the services of workman Shri Babulal Raiger S/o Shri Gurudayal Raiger w.e.f. 23-2-2001 was justified ? If not, what relief the workman is entitled to and from what date ?"

2. The workman has pleaded in his claim statement that he was employed by the International Business Branch, Jaipur of the Bank of Baroda as a sub-staff against its clear vacancy, who had worked from the year 1996 till the year

2001 and the number of working days performed by him are exhibited year-wise as below :—

Sr. No.	Year	No. of Days
1	1996	65
2	1998	50
3	1999	186
4	2000	294
5	2001	48

3. The claimant has further stated that he had completed 240 days of continuous service in a calendar year with the bank, whose service, even when the vacancy of the sub-staff existed, was terminated on 23-2-2001 without following the provision under Section 25-F of the Act. It has also been averred that the bank has employed the fresh hands and some of the junior persons to the workman who had worked on temporary basis for a lesser period than that of his, have been regularized in the bank services. The workman has urged that the termination order dated 23-2-2001 be declared as illegal and void and he be reinstated in the service with all consequential benefits.

4. In turn, the non-applicant in his written-counter has disputed the claim of the workman by stating that he was never engaged as a sub-staff but during the period from 1996 to 2001, he was employed intermittently purely on daily wages for performing the jobs of casual nature who had performed the number of days as shown below :

Year	No. of Days
1996	65
1998	50
1999	149
2000	196
2001	27

5. It has been further denied that the workman had ever worked for 240 days during the preceding calendar year, that he was engaged against the permanent vacancy of the sub-staff and has been asserted that there is a set procedure for recruitment in the bank which the bank has to follow while appointing the employees. Denying the contravention under Section 25-G of the Act, the non-applicant has stated that engaging the daily wagers for casual nature of work does not require maintenance of seniority and that no violation of Section 25-H of the Act was committed by the management.

6. In the rejoinder, the workman has reiterated the facts as narrated in his claim statement.

7. On the pleadings of both the parties, the following points for determination were framed :

- I. Whether the applicant was engaged by the non-applicant bank as sub-staff against its clear

vacant post to work during the period as stated at para I of the statement of claim ? BOA

- II. Whether the applicant has worked for more than 240 days with the non-applicant bank whose service was terminated in violation of Section 25-F of the Act ? BOA
- III. Whether the bank has employed temporary hands after the termination of the workman in violation of Section 25-H of the Act ? BOA
- IV. Whether the junior employees were retained by the bank at the time of termination of the workman in violation of Section 25-G of the Act ? BOA

V Relief.

8. In the evidence, the workman has submitted his affidavit and on behalf of the non-applicant, the counter-affidavit of MW-1, Sh. K. C. Hans, the Sr. Manager, has been brought on the record in the rebuttal. Both these witnesses were cross-examined by the respective opposite representative. The workman has also led the documentary evidence on the record, whereas the non-applicant has chosen not to lead any documentary evidence.

9. I have heard both the parties and have scanned the record. The point-wise discussion follows as under :

Point Nos. I and II

10. Both these points being identical are being discussed together as hereunder.

11. The Id. representative for the workman contends that the workman was continuously working from 1996 to 2001 with the non-appliant bank, who has completed 272 days in the calendar year from 22-2-2000 to 23-2-2001 and 256 days in the next calendar year 22-2-99 to 23-2-2000. His assertion is that in these two blocks he has completed over 240 days of work preceding to his termination and in the remaining period he was also continuing in the service of the bank. The Id. representative has placed his reliance on the letter Ex. WD-I, the voucher for payment of bonus Ex. WD-2 and the chart showing the details of the working days Annexure-II. He has further contended that in Annexure-II the details of payment of wages made to the workman through the vouchers have been shown excluding the Sundays and Gazetted Holidays and the workman by the sufficient evidence has proved that he was in the continuous employment of the bank. The next submission advanced on behalf of the workman is that the bank has not produced any record to controvert the plea of the workman and that there was a clear vacancy of the sub-staff as is noticed from the letter Ex. WD-I, but the appointment letter was not given to the workman.

12. Countering these submissions, the Id. representative for the bank contends that the workman has not produced any document regarding his termination from the service, that he has also not placed any document on the record in support of his submissions and that the

reference is limited to the termination of service only, therefore, the questions of claiming the relief under Sections 25-G and 25-H of the Act does not arise. The Id. representative further contends that the workman has not submitted any document to show that there was a clear vacant post of the sub-staff and that no appointment letter has been produced. The Id. representative adds further that in the event of the vacancy, it is advertised and the names are sponsored from the employment exchange and after following the set procedure for the appointment the persons are appointed and these facts could not be proved on behalf of the workman. His submission is that in the absence of these facts the plea of the workman that he was appointed against the vacant post of the sub-staff cannot be maintained and he has failed to discharge the burden of issue number I.

13. On the issue of the contravention of the provisions under Section 25-F of the Act on the part of the bank, the Id. representative contends that in the written statement the number of days on which the workman had worked with the bank have been specifically narrated, which indicate that he had not completed 240 days in a calendar year. His further contention on this count is that the letter Ex. WD-1 does not establish that he has continuously worked for 240 days and the necessary inference of this letter is that he was given casual work from time to time and on the basis of this document it cannot be inferred that he has worked for 240 days in a calendar year. The Id. representative has also assailed Ex. WD-2 by contending that the bonus was paid through this voucher and that this document cannot be a valid document for ascertaining that the disputant had worked for 240 days. On these grounds, the Id. representative has contended that the workman has wholly failed to establish that he had worked for 240 days in a calendar year. Lastly, the Id. representative has also agitated that assuming that the claimant has worked for 240 days in a calendar year, on this ground alone he cannot be reinstated because he was not regularly appointed by the bank. His submission is that he was intermittently employed by the bank and that no termination order was passed against him and as such, his services were not retrenched. The Id. representative then has contended that daily wages has no right to be posted and the termination of the workman was not the action of the management, therefore, the provision under Section 25-F of the Act does not apply.

14. I have bestowed my thoughtful consideration to the rival contentions and have scanned the record.

15. Now, the pertinent question which crops up for consideration is whether the workman was engaged by the bank as a sub-staff, who has continuously completed 240 days of actual work in the calendar year preceding to his date of termination i.e. from 23-2-2001.

16. The workman's case is that he was employed as a sub-staff and had continuously worked from 1996 to 2001 and further he has elaborated his case that in the preceding calendar year from 23-2-2000 to 22-2-2001, he had completed 272 days and in the next calendar year from 23-2-99 to

22-2-2000, he had completed 256 days and thus he sought the benefit under Section 25-F of the Act. Contrary to it, the bank's stand is that the workman was engaged intermittently during the period in question purely on daily wages and has disputed the factum of completion of 240 days in any of the calendar years.

17. At first, I proceed to examine the factum of completion of 240 days of actual service rendered by the workman in the calendar year preceding to his date of termination. The Id. representative for the bank has contended with force that the burden of proving the fact that the workman has completed 240 days in a calendar year preceding to his termination lies upon the workman and I have invited my attention towards JT 2005(3) SC 541; (2002) 3 SCC 25; (2004) 8 SCC 161 and 2003 (99) FLR Allahabad 232, wherein the principle enunciated is that the initial burden of proving the completion of 240 days in a calendar year preceding to the termination of the workman rests upon him. In the light of these judicial pronouncements, I proceed to examine the issue in question.

18. The workman has placed his reliance upon the letter Ex. WD-1 dated 23-11-2000 addressed by the Chief Manager of the branch to the Assistant General Manager which states that on account of the paucity of the sub-staff in the branch, Sh. Babulal is being engaged in the branch for the last so many years, who has been providing his services for part-time/full-time period since 1996 and is also being deployed presently in the customer's services. Another material document along with it is payment voucher of bonus Ex. WD-2 dated 8-9-2001 which shows that the sum of Rs. 1774 was paid to him as the bonus. The remaining vital document is the table of working days detailing the dates on which the payment of wages was made, the number of days worked by the disputant and the amount of wages paid to him by the bank. It is also noticeable here that while disposing of the application dated 28-6-2004 filed on behalf of the workman to summon the documents from the non-applicant bank, this Court on 16-9-2004 has directed the non-applicant bank to submit the payment vouchers through which the payment of wages was made to the workman during the year 2000 as exhibited in the chart Annexure II and the copies of the register for payment of bonus during the year 2000. In furtherance of it, no documents could be produced on behalf of the bank and it was noted in the ordersheet dated 20-12-2004 that the number of working days shown by the workman is not disputed on behalf of the bank. On behalf of the bank, no document could be produced to rebut the contention advanced on behalf of the workman that he had completed 240 days of actual work in the preceding calendar year.

19. Considering the materials available on the record, it is manifestly clear that the workman was continuously working since 1996 under the employment of the non-applicant bank which is established on the basis of the letter Ex. WD-1. Further, the number of working days have been specifically shown in the chart Annexure II and with the assistance of this chart as well as Ex. WD-2, the

payment voucher of bonus, it is found that the workman has completed 272 days in the preceding calendar year to the date of his termination from 23-2-2000 to 22-2-2001 and looking backwards in the next preceding calendar year from 23-2-99 to 22-2-2000, he has completed over 240 days of actual work. Thus, on the strength of these documents, the workman has satisfactorily established the factum of completion of 240 days in the two consecutive calendar years preceding to his date of termination. It is also worthwhile to mention here that despite the Court direction the payment vouchers of the relevant period have not been produced on the record on behalf of the bank and, therefore, the genuineness of the chart cannot be disputed by the bank as well as an adverse inference has to be drawn against the bank. In 1999 (4) LLN Madras 383, the Hon'ble High Court has observed that in the event the management fails to produce the payment vouchers called for by the workmen, an inference has to be drawn that the workmen's case is true. Apart it, no document could be adduced to controvert the number of working days rendered by the workman as exhibited in the chart. Furthermore, it transpires that the un rebuttable existence of the letter Ex. WD-1 and the payment voucher Ex. WD-2 led the Id. representative's predecessor for the bank not to candidly dispute the number of working days as displayed by the workman in his chart Annexure II. Therefore, on all the counts, on the strength of the documents referred to above, the workman has fully satisfied that he had completed 240 days of actual services in the two preceding calendar years to his termination.

20. Dwelling over the oral evidence, the workman in his affidavit has deposed that he had continuously worked from 1996 to 2001 and has stated that he used to perform the jobs of cleaning the office and dusting the official furniture, to arrange the record and to collect the daks as a sub-staff. MW-1 KC Hans, too, has admitted this fact that the workman had worked nearly 800-900 days in the total period of 7 to 8 years and has deposed that he was intermittently engaged as a daily wager. But in the absence of any other cogent evidence that the workman has worked for a lesser period, his testimony stands uncorroborated.

21. To sum up, on an analytical examination of the documentary as well as oral evidence, this fact is found to be proved that the workman had completed over 240 days of actual work in the aforesaid two calendar years preceding to the date of his termination. It could not be disputed that this service was terminated prior to serving upon him a legal notice of payment of the salary in lieu of the notice and retrenchment compensation. As such, the bank has failed to follow the mandatory provision under Section 25-F of the Act and the workman's case is attracted by the provision under Section 2(oo) of the Act and his termination tantamounts to retrenchment. The submission set forth on behalf of the workman is fortified by the decisions rendered in 1993(3) WLC 542 and 1998(2) WLC Raj. 45.

22. It has been a ground of attack on behalf of the bank that the workman has not completed 240 days in a calendar year in terms of Section 25-B of the Act and the Id. representative has referred to the numerous decisions on the point, which I have carefully gone through, but

their facts are wholly distinguishable from the present controversy since in the controversy at hand the disputant has completed 240 days of actual work in two calendar years. Hence, they are of no avail to the Id. representative for the bank—1994 Lab IC Raj. 1370; 2004(3) CDR Raj. 1810; 2004(105) FLR SC 187; 2001(89) FLR Bombay 141 and 2003 Lab IC AP 573.

23. The Id. representative for the bank then has contended that the disputant in the capacity of a daily wager has no right to the post inasmuch as his termination was not the action of the management and, therefore, the provision of Section 25-F is not attracted to the present controversy. His submission is that his appointment was of casual nature, who was not regularly appointed and, therefore, he has no right of appointment against any post. The Id. representative has relied upon a catena of judgements, viz., 1996 WLC (UC) Raj. 358; 1998(2) LLJ SC 627; 1996(72) FLR SC 804; 1997(76) FLR SC 305; 2000(5) SLR SC 777; RLW 203(3) 1711; 1998(2) LLN Raj. 349; 2002(2) RLW Raj. 1335; 1997(3) SLR Patna 468; (2003) 3 SCC 485; (2004) 3 WLC Raj. 142; 2005(2) WLC Raj. 98; (1997) 1 SCC 350; JT 2005(2) SC 56; 2 LLJ 1994 SC 977; 2001(8) SLR Raj. 756; (1995) 1 SCC 638 and (2005) 5 SCC 122. But on survey of these decisions, I find that they do not resemble the present controversy as they deal with the distant issues e.g. regularization of the services of workmen, etc. and lend no support to the contention advanced on behalf of the bank.

24. As against it, the observation made by the Hon'ble Apex Court in (2) LLN 98 SC 37, relied upon by the workman, which is usefully quoted below wherein the Hon'ble Apex Court has observed that "Striking off the name of workman from the rolls by the employer amounts to 'termination of service' and such termination is retrenchment within the meaning of Section 2(oo) of the Act if effected in violation of the mandatory provision, contained in Section 25-F and is invalid While reading Section 25-F, 25-B and Section 2(oo), Krishna Ayer, J. in *State Bank of India v. Sri N. Sundara Money* (2) has observed that the words 'for any reason whatsoever' occurring in Section 2(oo) are very wide and almost admitting of no exception. It was made clear that a comprehensive definition has to be effectuated to protect the weak against the strong in construing the ambit of the words contained in Section 2(oo). Pithily he observed that without further ado, we reach the conclusion that if the workman seems into the harbour of Section 25F, he cannot be retrenched without payment, at the time of retrenchment, compensation computed as prescribed therein read with Section 25-B(2)." This judicial dicta fortifies the plea set forth by the claimant. Therefore, the submissions made on behalf of the bank on this point are devoid of any merit and are negated.

25. And, now remains the short issue whether the workman was engaged against the clear vacancy of the sub-staff. The workman has pointed it out in his affidavit that he was engaged against the vacant post of sub-staff which was also lying vacant while he was terminated, but in the cross-examination he has stated that the bank has

not issued an appointment letter in his favour. Furthermore, he has not been able to bring on record any documentary or oral evidence in support of his submission that he was duly appointed against the vacant post of sub-staff.

26. However, the Id. representative for the workman has stressed upon the letter Ex. WD-1 in this respect and has emphatically argued that it speaks of the vacancy of the sub-staff in the branch. The relevant contents of the letter are reproduced below :—

“हम आपको सूचित करते हैं कि शाखा में कार्यरत सब स्टाफ की कमी तथा ग्राहक सेवा के लिए आवश्यक सब स्टाफ की पूर्ति हेतु श्री बाबूलाल को शाखा द्वारा गत कई वर्षों से रखा जा रहा है।”

27. These contents simply translate the dearth of the working sub-staff looking to increasing number of customers and they do not suggest any existing vacancy of the sub-staff. Besides, MW-1 KC Hans has disclosed in his cross-examination that only two posts of Peon were sanctioned in the year 2001. But no question could be put to him on behalf of the workman whether any post was lying vacant. As such, the workman has failed to satisfy that he was appointed against the vacant post of sub-staff, albeit he was engaged as a sub-staff evidently by the bank to carry on the work of Class IV in view of the letter Ex. WD-1.

28. On conclusion, point number II is decided in favour of the workman and against the bank, whereas point number I is decided as discussed at para 27 supra.

Point No. III

29. The Id. representative for the workman contends that the persons engaged subsequent to the termination of the workman are still working with the non-applicant bank. It has been opposed on behalf of the bank by contending that no names have been given in the claim statement and there is simply bald allegation that the recruitment has been made on behalf of the bank. Therefore, no relief can be granted on this count. The Id. representative has also asserted that since the issues of Section 25-G and 25-H of the Act have not been mentioned in the reference, this Court has no jurisdiction to adjudicate on these two points.

30. At para 10 of the claim statement the workman has simply stated that the bank is continuing to employ the temporary hands, but he has not named any person who was employed subsequent to his termination. Apart from it, the workman has not even revealed the names of the fresh hands who were employed subsequent to his termination in his affidavit in support of his plea and could not bring evidence on the record. Thus, he has adduced no evidence to discharge the onus of this issue.

31. Now, I faced with the next submission made on behalf of the bank on this point. It is difficult to be persuaded by the contention advanced on behalf of the bank that since the terms of reference do not specifically mention the termination of the workman on account of the violation of provisions under Sections 25-G and 25-H of

the Act respectively, this Court has got no jurisdiction to adjudicate both these issues. The terms of reference speaks “Whether the action of the management of Bank of Baroda in terminating the services of workman Shri Babulal Raiger S/o Shri Gurudayal Raiger w.e.f. 23-2-2001 was justified? If not, what relief the workman is entitled to and from what date?” and the reference is to be answered in view of the provision contained under Section 2(o) of the Act whereby the workman may invoke the protections enshrined under Sections 25-F, 25-G and 35-H of the Act by claiming them all or any one of them in his pleadings. Furthermore, it is fairly settled law laid down by the Hon’ble Apex Court that all these three provisions are independent of each other and, therefore, the disputant has been bestowed with these legal benefits under Section 25-G and 25-H, too, while assailing his termination under the terms of reference transmitted to this Court to resolve it. In view thereof, the submission made on behalf of the bank cannot be maintained.

32. Since the workman has failed to discharge the burden of proving the fact that new hands were recruited by the bank without providing him an opportunity of employment, this point, therefore, is decided against him.

Point No. IV

33. Similar to the aforesaid ground, the workman has adduced no evidence to prove this point. The workman at para 10 of his claim statement has even not disclosed the name of any junior person whose services were regularized while terminating the workman. Even in his affidavit he has not pointed out the name of such person. It was only in his cross-examination that to a question he has replied that Rajendra Singh Solanki was junior to him, whose services were regularized by the bank. But he has pleaded ignorance as to in which branch he was serving under the bank. Therefore, his oral evidence on this point is vague and inspires no confidence and cannot be relied upon. This point, therefore, is decided against the workman.

RELIEF

34. On account of the decision of point number II in favour of the workman and point number I in the manner discussed supra, his claim deserves to be allowed and he is entitled for the reinstatement. The workman has pleaded his unemployment in his claim statement and has also deposed in his affidavit, which stands un rebutted. As such, he is also entitled to the back wages.

35. Consequently, the reference is answered in the affirmative in favour of the workman and against the non-applicant bank and it is held that the termination order dated 23-2-2001 passed against the workman is unjustified and is quashed. The claim of workman is allowed and it is further held that he is entitled to be reinstated in the service with its continuity and 50 per cent back-wages. An award is passed in these terms accordingly.

36. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 2005

अधिनिर्णय

का.आ. 4332.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के अन्तर्गत के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोटा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-05 को प्राप्त हुआ था।

[सं. एल-40012/295/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 21st October, 2005

S.O. 4332.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kota as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 21-10-05.

[No. L-40012/295/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

अनुबंध

न्यायाधीश, औद्योगिक न्यायाधिकरण/केन्द्रीय/कोटा/राज.

पीठासीन अधिकारी, श्री के. के. गुप्ता, आर. एच. के. एस.

निर्देश प्रकरण क्रमांक : औ. न्या./केन्द्रीय/05/2000

दिनांक स्थापित : 18-2-2000

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश संख्या एल. 40012/295/आई आर (डी यू) दिनांक 27/1/2000

निर्देश अंतर्गत धारा, 10(1)(घ) औद्योगिक विवाद अधिनियम, 1947

मध्य

राजेन्द्र कुमार सैनी पुत्र श्री रामकिशन सैनी द्वारा श्री बलदेव सिंह, श्रम सलाहकार, ठडवाड़ा, कोटा जंक्शन

... प्रार्थी श्रमिक

एवं

महाप्रबन्धक,
दूर संचार विभाग (टेलीकॉम),
कोटा

... अप्रार्थी नियोजक

उपस्थित

प्रार्थी श्रमिक की ओर से प्रतिनिधि : श्री बलदेव सिंह

अप्रार्थी नियोजक की ओर से प्रतिनिधि : श्री विश्वजीत शर्मा

अधिनिर्णय दिनांक : 5-9-05

भारत सरकार, श्रम मंत्रालय, नई दिल्ली के उक्त आदेश दिनांक 27-1-2000 के जरिए निम्न निर्देश/विवाद, औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरान्त "अधिनियम" से सम्बोधित किया जावेगा) की धारा 10(1)(घ) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है :

"Whether the termination of services of Sh. Rajender Kumar Saini by the Telecom Department, Kota on 30-1-99 from the post of driver and chowkidar is legal and justified? If not, to what relief Sh. Rajender Kumar Saini is entitled?"

2. निर्देश/ विवाद, न्यायाधिकरण से प्राप्त होने पर पंजीबद्ध उपरान्त पक्षकारों को सूचना विधिवत रूप में जारी की गयी।

3. प्रार्थी श्रमिक राजेन्द्र कुमार सैनी की ओर से क्लेम स्टेटमेन्ट प्रस्तुत कर संक्षेप में यह अभिकथित किया गया है कि वह महाप्रबन्धक, दूर संचार विभाग, कोटा (जिसे तदुपरान्त संक्षेप में "अप्रार्थी नियोजक" से सम्बोधित किया जायेगा) के अधीन दिनांक 1-1-98 से जीप ड्राइवर एवं चौकीदार के पद पर कार्यरत था, परन्तु अप्रार्थी नियोजक ने दिनांक 29-1-99 को अपने मौखिक आदेश से सेवा से हटा दिया। प्रार्थी ने उक्त नियोजनावधि में 240 दिन से भी अधिक का कार्य कर लिया था, तथापि उसे सेवा से हटाये जाने से पूर्व ना तो कोई नोटिस कारण बतलाया गया और ना ही कोई नोटिस अथवा नोटिस-पे व क्षतिपूर्ति-भत्ता ही दिया गया जोकि अधिनियम की धारा 25-एफ का उल्लंघन है। प्रार्थी का कार्य नियमित प्रवृत्ति का है जो आज भी अप्रार्थी के पास है, जिसे वह उससे कनिष्ठ ड्राइवरों व श्रमिकों से ले रहा है व नये श्रमिक भी रख लिये गये हैं। अप्रार्थी द्वारा औ. वि. (केन्द्रीय) नियम 1958 के नियम 77 के अनुसार श्रमिक व ड्राइवरों की वरिष्ठता सूची भी नहीं बनायी गई है। इस प्रकार अधिनियम की धारा 25-एच का भी उल्लंघन किया गया है। यह भी अभिकथित किया गया है कि उसे बाराआदि, जहां भी जीप को भेजा गया, जीप पर व चौकीदारी का कार्य करता रहा। अन्त में प्रार्थना की गयी है कि उसे उक्त प्रकार से सेवा से हटाया जाना अनुचित एवं अवैध घोषित करते हुए पिछले सम्पूर्ण वेतन व सेवा की निरन्तरता सहित सेवा में बहाल किये जाने का अनुतोष प्रदान किया जावे।

4. अप्रार्थी नियोजक की ओर से प्रार्थी के उक्त क्लेम का जवाब प्रस्तुत कर प्रतिवाद स्वरूप यह अभिकथित किया गया है कि प्रार्थी ना तो अप्रार्थी का कर्मकार है, ना ही कर्मकार की परिभाषा में आता है। उसने लगातार कभी भी एक कलेण्डर में 240 दिन तक लगातार कार्य नहीं किया। आवश्यकतानुसार अस्थायी रूप से दैनिक वेतन के आधार पर रखा था। चूंकि कार्य समाप्त हो गया इसलिए उसकी सेवाएं स्वतः ही समाप्त हो गयीं। प्रार्थी का कार्य टैकनीकल-हैण्ड है इसलिए बेरोजगार होने का प्रश्न ही नहीं उठता। विशेष कथनों में यह अभिकथित किया गया है कि प्रार्थी ने कभी भी एक यूनिट में 240 दिन लगातार कार्य नहीं किया इसलिए अधिनियम के प्रावधान लागू नहीं होते। प्रार्थी ने अलग-अलग यूनिटों में अलग-अलग समय में कार्य किया है, उसे एक यूनिट से दूसरी यूनिट में स्थानान्तरण पर नहीं भेजा। इस प्रकार वह अधिनियम के किसी भी प्रावधानान्तर्गत कोई अनुतोष प्राप्त करने का अधिकारी नहीं है और उसका सम्पूर्ण क्लेम सव्यय निरस्त किया जावे।

5. प्रार्थी श्रमिक की ओर से स्वयं का शपथ-पत्र प्रस्तुत हुआ है जिस पर अप्रार्थी पक्ष द्वारा प्रतिपरीक्षा की गयी है। अप्रार्थी नियोजक की ओर से भी श्री कन्हैया लाल, उप मण्डल अधिकारी, दूर संचार निगम, कोटा को परीक्षित करवाया गया है। पक्षकारों की ओर से प्रलेखीय साक्ष्य भी प्रस्तुत की गयी है।

6. उभयपक्ष के विद्वान प्रतिनिधिगण की बहस सुनी गयी, पत्रावली पर उपलब्ध मौखिक व प्रलेखीय साक्ष्य का ध्यानपूर्वक परिशीलन किया गया।

7. प्रार्थी श्रमिक का कथन है कि उसे दि. 30-1-99 से ड्राइवर कम चौकीदार दैनिक वेतन भोगी श्रमिक के पद से हटा दिया, इससे पूर्व के वर्ष में उसने 240 दिन पूर्ण कर लिये थे, उसे कोई नोटिस अथवा नोटिस वेतन व मुआवजा आदि नहीं दिया गया। जबकि अप्रार्थी का कथन है कि अलग-अलग डिविजन में उसने कार्य किया है और उसने किसी भी यूनिट में 240 दिन पूर्ण कार्य नहीं किया है। अप्रार्थी ने अपने समर्थन में न्यायदृष्टांत "2000(3) डब्ल्यू.एल.सी. (राज.) 70-स्टेट आफ राज. एवं अन्य बनाम अरुण कुमार एवं अन्य तथा 2005(1) डीएनजे (राज.) 14-सार्वजनिक निर्माण मजदूर संघ, भीलवाड़ा बनाम न्यायाधीश, श्रम न्यायालय, उदयपुर एवं अन्य" पेश किये हैं।

8. प्रार्थी श्रमिक ने अपने शपथ-पत्र में, क्लेम में वर्णित तथ्यों को दोहराया है व जिरह में यह कहा है कि II डिविजन, एस. डी. ओ. में कार्यरत था। फिर तीन महीने एस. डी. ओ. सक्सेना सा. के पास गाड़ी चलायी थी। जी.एम. ने गाड़ी सहित से बारा में भेज दिया था। बारा में केवल एक ही डिविजन है। बारा में जो काम किया उसका भुगतान बारा एस.डी.ओ. ने किया। बारा से हटने के बाद कोटा में 15 दिन चौकीदार का काम किया था। विभाग में ड्राइवर की आवश्यकता होती थी तो ड्राइवर का काम करता था व चौकीदार की आवश्यकता होती थी तो चौकीदार का काम करता था। यह सही है कि उसने जिस-जिस डिविजन में काम किया, वो अलग-अलग डिविजन है, किन्तु प्रार्थी का कथन है कि उसे जीप के साथ ही कोटा से बारा भेजा था व सभी यूनिट्स, महाप्रबन्धक, कोटा के अधीन हैं। अप्रार्थी के गवाह श्री कन्हैया लाल, एस डी ओ टेलीफोन, कोटा ने अपनी जिरह में यह कहा है कि प्रदर्श डब्ल्यू. 1 के सी से डी भाग में 31 दिन गलत लिखा हुआ है, लॉग-बुक के अनुसार प्रार्थी ने 65 दिन काम किया है। इस तरह से अप्रार्थी के गवाह कन्हैयालाल के अनुसार प्रार्थी द्वारा 31 दिन के स्थान पर 65 दिन कार्य अन्य कार्य दिवसों के अलावा करना पाया जाता है। इस गवाह ने यह भी स्वीकार किया है कि इस गाड़ी आर.जे 2 सी- 767 को प्रार्थी कोटा में चलाता था और बारा में भी चलाता था। आगे कथन किया है कि प्रार्थी को गाड़ी सहित कोटा से बारा भेजा था। इस प्रकार कोटा व बारा, दोनों स्थानों के कार्यालय एक-दूसरे से परस्पर एकत्र रखते हैं जिसकी पुष्टि अप्रार्थी के गवाह का यह कथन भी करता है कि कोटा जिला व बारा जिला जी.एम. के अन्तर्गत आता है, जितने भी यूनिट व खण्ड हैं, महाप्रबन्धक दूर संचार कोटा विभाग के अन्तर्गत आते हैं, कर्मचारियों के सारे वेतन-भत्ते आदि सब महाप्रबन्धक दूर संचार देता है और प्रार्थी के वेतन का भुगतान भी महाप्रबन्धक द्वारा ही किया जाता था। स्थानान्तरित

गाड़ी के साथ ही चालक भेजा गया था। इससे यह साबित होता है कि ये यूनिट्स आपस में व्यावसायिक एकत्र रखती थीं और अप्रार्थी पक्ष द्वारा प्रस्तुत न्यायदृष्टांत जिनमें यह कहा गया था कि अलग-अलग समय पर अलग-अलग सब डिविजन में अलग-अलग यूनिट्स में काम किया व सम्बन्धित सब डिविजन में कार्य-समाप्ति पर उनकी सेवायें समाप्त कर दी गयीं तो वे एक-दूसरे सब डिविजन में किये गये कार्य को नहीं जोड़ सकते व धारा 25-एफ के हकदार नहीं होते, से अप्रार्थी पक्ष को कोई सहायता नहीं पहुंचती है और अप्रार्थी का यह तर्क मानने योग्य नहीं है। अप्रार्थी ने प्रदर्श डब्ल्यू. 1 में जो कार्य विवरण दिया है, दि. 30-1-99 के पूर्ववर्ती वर्ष में प्रार्थी द्वारा 240 दिन से अधिक का कार्य किया जाना साबित पाया जाता है। यह भी साबित है कि उसे कोई नोटिस अथवा नोटिस वेतन व मुआवजा नहीं दिया गया, अतः उसे सेवा से पृथक करना अनुचित एवं अवैध है।

9. अप्रार्थी का यह कथन है कि प्रार्थी दैनिक वेतन भोगी कर्मचारी था व वर्ष 99 में उसे कार्य से हटा दिया गया था। प्रार्थी को 6 वर्ष से अधिक का समय हो गया है, अतः उसे कार्य पर पुनर्स्थापित नहीं किया जाय। अपने कथन समर्थन में न्यायदृष्टांत "आर.एल.आर. 2005(1) पृष्ठ 240-अर्जुन सिंह बनाम लेबर कोर्ट, जोधपुर एवं अन्य" पेश किया है। इसके अनुसार सेवामुक्ति व अधिनियम के पास होने के मध्य काफी समय बीत जाना—श्रम न्यायालय के अधिनिर्णय में सेवायें पुनर्स्थापित किये जाने के स्थान पर मुआवजा दिलाना—श्रम न्यायालय के अधिनिर्णय की माननीय एकल पीठ द्वारा पुष्टि की गई व तदुपरांत माननीय खण्डपीठ ने भी श्रम न्यायालय व एकल पीठ के निर्णय की पुष्टि की व यह अभिमत प्रकट किया कि ऐसे मामले में जिसमें श्रमिक ने थोड़े समय के लिए कार्य किया हो और उसमें नियुक्ति देने की प्रक्रिया को अपनाया नहीं गया हो और सेवामुक्ति व अधिनिर्णय के मध्य समय अन्तराल हो, साधारणतया श्रमिक की सेवायें पुनर्स्थापित किये जाने के बजाय मुआवजा राशि दिलवायी जानी चाहिए। ऐसी परिस्थिति में जबकि श्रमिक ने कहा है कि लगभग एक वर्ष तक काम किया है और लगभग 6 वर्ष से अधिक उसकी सेवामुक्ति को हो गये हैं, इस न्यायदृष्टांत की रोशनी में प्रार्थी श्रमिक को सेवा में पुनर्स्थापित किये जाने के बजाय मुआवजा राशि ही दिलवाया जाना उचित होगा। इस सम्बन्ध में कोई विवाद नहीं है कि प्रार्थी श्रमिक, दैनिक वेतन भोगी ड्राइवर व चौकीदार के पद पर कार्यरत था, उसे पुनर्स्थापित किये जाने के स्थान पर मुआवजा स्वरूप 25,000 रु. की राशि एकमुश्त दिलवाया जाना उचित समझा जाता है।

परिणामतः राजस्थान सरकार, श्रम विभाग द्वारा सम्प्रेषित निर्देश/विवाद को अधिनिर्णित कर इस प्रकार उत्तरित किया जाता है कि अप्रार्थी नियोजक महाप्रबन्धक, दूर संचार विभाग (टेलीकॉम) कोटा द्वारा प्रार्थी श्रमिक राजेन्द्र कुमार सैनी को दिनांक 30-1-99 से सेवा से पृथक किया जाना उचित एवं वैध नहीं है। प्रकरण की परिस्थितियों व विधिक स्थिति को दृष्टिगत रखते हुए प्रार्थी श्रमिक को सेवामें पुनर्स्थापित किये जाने के अनुपेक्ष के स्थान पर कुल 25,000 रु. की मुआवजा राशि एकमुश्त अप्रार्थी नियोजक से प्राप्त करने का अधिकारी घोषित किया जाता है।

के. के. गुप्ता, न्यायाधीश

नई दिल्ली, 21 अक्टूबर, 2005

अधिनिर्णय

का.आ. 4333.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोटा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-05 को प्राप्त हुआ था।

[सं. एल-40012/67/98-आईआर (डीयू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 21st October, 2005

S.O. 4333.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kota as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 21-10-05.

[No. L-40012/67/98-IR (DU)]

KULDIPRAI VERMA, Desk Officer

अनुबंध

न्यायाधीश, औद्योगिक न्यायाधिकरण/केन्द्रीय/कोटा/राज.

पीठासीन अधिकारी, श्री के.के. गुप्ता, आर. एच. के. एस.

निर्देश प्रकरण क्रमांक : औ. न्या./केन्द्रीय/03/99

दिनांक स्थापित : 15-2-1999

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश संख्या एल. 40012/67/98/आईआर (डीयू) दिनांक 4-2-99 एवं सपठित शुद्धिपत्र दिनांक 6-3-2004.

निर्देश अंतर्गत धारा, 10(1)(घ) औद्योगिक विवाद अधिनियम, 1947

मध्य

बाबूखान पुत्र श्री दुलीखान,
द्वारा श्री दान सिंह राठौर, 858 देवीनगर,
श्याम नगर, एक्स पी.ओ. न्यू सागानेर रोड,
सांडाला, जयपुर।

... प्रार्थी श्रमिक

एवं

टेलीकॉम डिस्ट्रिक्ट मैनेजर,
टेलीकॉम्युनिकेशन विभाग,
सवाई माधोपुर।

... अप्रार्थी नियोजक

उपस्थित

प्रार्थी श्रमिक की ओर से प्रतिनिधि : श्री बलदेव सिंह

अप्रार्थी नियोजक की ओर से प्रतिनिधि: श्री एस. एन. वर्मा

अधिनिर्णय दिनांक : 1-9-05

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा अपने उक्त आदेश दिनांक 4-2-1999 एवं सपठित शुद्धिपत्र दिनांक 6-3-04 के जरिए निम्न निर्देश/विवाद, औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरान्त "अधिनियम" से सम्बोधित किया जावेगा) की धारा 10(1)(घ) के अन्तर्गत का न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है :

"Whether the action of the officers of Telecommunication Deptt., through Telecom Distt. Manager in discontinuing the services of Sri Babu Khan S/o Duli Khan w.e.f. 1-9-87 is legal and justified ? If not, to what relief the workman is entitled ?"

2. निर्देश/विवाद, न्यायाधिकरण में प्राप्त होने पर पंजीबद्ध उपरान्त पक्षकारों को सूचना विधिवत रूप में जारी की गयी।

3. प्रार्थी श्रमिक बाबू खान की ओर से क्लेम स्टेटमेंट प्रस्तुत कर संक्षेप में यह अभिकथित किया गया है कि वह अप्रार्थी के अधीन दिनांक नवम्बर, 85 से केजुअल मजदूर के पद पर कार्यरत था, अप्रार्थी ने उसे नवम्बर, 85 से ही डिवीजनल इंजीनियर, टेलीकॉम रेलवे इलैक्ट्रीफिकेशन प्रोजेक्ट, सवाईमाधोपुर के यहां अक्टूबर, 86 तक कार्य करने हेतु रखा था। आगे कथित किया गया है कि अप्रार्थी ने अपने अधीन नवम्बर, 86 से अगस्त 87 तक कार्य पर रखा। तदुपरान्त उसे दिनांक 1-9-87 से मौखिक आदेश से बिना कोई कारण बतलाये नौकरी से हटा दिया तथा हटाने से पूर्व नोटिस अथवा नोटिस वेतन व क्षतिपूर्ति भत्ता नहीं दिया जोकि अधिनियम की धारा 25-एफ के विपरीत है। प्रार्थी को हटाने के बाद अन्य श्रमिक कार्य पर रखे गये, परन्तु उसे कार्य पर नहीं बुलाया गया। आगे अभिकथित किया गया है कि प्रार्थी ने सीएटी, जयपुर में एक ओ.ए. क्रमांक 1083/92 प्रस्तुत किया जिस पर न्यायालय ने दिनांक 8-11-93 को अप्रार्थी को निर्देश दिये कि वह ओ.चि. अधिनियम की धारा 25-एच की पालना करें, परन्तु अप्रार्थी के पालना नहीं करने पर प्रार्थी ने कन्टेम्प्ट प्रस्तुत किया इस पर न्यायालय ने निर्देश दिया कि अप्रार्थी ने अन्य श्रमिक लगा लिये हैं तो यह सिद्ध करे अन्यथा नया ओ.ए. प्रस्तुत करें। तदुपरान्त प्रार्थी ने नया ओ.ए. प्रस्तुत किया, परन्तु अप्रार्थी ने विश्वास दिलाया कि वह प्रार्थी को विभाग की नई स्कीम आने पर रख लेगा, ओ.ए. वापस ले ले, इस पर प्रार्थी ने ओ.ए. वापस ले लिया, तथापि अप्रार्थी ने प्रार्थी को कार्य पर नहीं रखा। इस प्रकार प्रार्थी सन् 87 से न्यायालयों व अप्रार्थी के यहां नौकरी पाने के लिए निरन्तर प्रयास करता रहा और इतना समय निकल गया। प्रार्थी ने अभिकथित किया है कि उसने उक्त नियोजनावधि में अप्रार्थी के यहां 240 दिन से अधिक हर वर्ष में कार्य पूर्ण किया है तथापि उसे अधिनियमान्तर्गत रहे प्रावधानों की अवहेलना कर सेवा से हटाया गया है जो किसी भी प्रकार से उचित नहीं है। अन्त में प्रार्थना की गयी है कि उसे उक्त प्रकार से सेवा से हटाया जाना अनुचित एवं अवैध घोषित करते हुए पिछले सम्पूर्ण वेतन, सेवा की निरन्तरता व अन्य समस्त लाभों सहित सेवा में बहाल करवाये जाने का आदेश प्रदान किया जाये।

4. अप्रार्थी पक्ष की ओर से क्लेम का जवाब प्रस्तुत कर प्रतिवाद स्वरूप यह अभिकथित किया गया है कि प्रार्थी मात्र पार्ट टाइम काम

करने वाला मजदूर रहा है और अप्रार्थी उसका नियोक्ता नहीं है। स्वयं प्रार्थी ने डिवीजनल इंजीनियर, टेलीकॉम रेलवे इलेक्ट्रीफिकेशन प्रोजेक्ट, सवाईमाधोपुर में कार्यरत केजुअल मजदूर बतलाया है जिससे कि अप्रार्थी का कोई सम्बन्ध नहीं है, अप्रार्थी ने ना तो उक्त प्रोजेक्ट में प्रार्थी को कार्य पर रखा है एवं ना ही हटाया है। प्रार्थी ने स्वेच्छा से कार्य किया है जिसका उसको भुगतान हो गया है, उसका प्रकरण धारा 25-एफ अधिनियमान्तर्गत कवर नहीं होता है, वह अप्रार्थी के यहां कभी पार्ट टाइम रूप में लगातार 240 दिन की अवधि तक कार्यरत भी नहीं रहा। अप्रार्थी द्वारा न्यायालय सीएटी, जयपुर के आदेश की पूरी पालना की गयी है, प्रार्थी ने स्वयं अपना प्रकरण चलने योग्य ना होने के कारण स्वतः ही वापस ले लिया था, सीएटी, जयपुर द्वारा कोई आदेश नहीं दिया गया, ऐसी स्थिति में किसी आदेश की अवहेलना का प्रश्न उत्पन्न नहीं होता। प्रार्थी अधिनियमान्तर्गत संरक्षित श्रमिक की परिभाषा में भी नहीं आता है। विशेष आपत्तियों में यह भी अभिकथित किया गया है कि प्रार्थी के कथनानुसार प्रार्थी डी.ई. रेलवे इलै. प्रोजेक्ट, सवाईमाधोपुर में कार्यरत रहा है जो प्रोजेक्ट अप्रार्थी के कंट्रोल आफ सुपरवीजन का नहीं है, अतः अप्रार्थी के विरुद्ध प्रार्थी का क्लेम खारिज किये जाने योग्य है। यह भी अभिकथित किया गया है कि प्रार्थी ने बिना किसी आधार के यह प्रकरण यहां दायर किया है व इससे पूर्व में भी अन्य न्यायालयों में प्रकरण दायर कर समय व धन की क्षति पहुंचाई है, इस कारण बतौर हर्जाने 5000 रुपये अप्रार्थी, प्रार्थी से प्राप्त करने का अधिकारी है। अन्त में प्रार्थना की गयी है कि प्रार्थी का क्लेम अप्रार्थी के विरुद्ध स्वयं, चलने योग्य ना होने के कारण खारिज किया जावे।

5. साक्ष्य में प्रार्थी ने स्वयं का शपथ-पत्र प्रस्तुत कर परीक्षित करवाया है, जबकि अप्रार्थी की ओर से श्री एल.एम. मोणा, एस डी ओ टी, टेलीफोन, सवाईमाधोपुर को परीक्षित करवाया गया है। पक्षकारों की ओर से प्रलेखीय साक्ष्य भी प्रस्तुत की गयी है जिसका यथासमय उल्लेख किया जावेगा।

6. प्रार्थी की बहस सुनी गयी, पत्रावली पर उपलब्ध मौखिक व प्रलेखीय साक्ष्य का ध्यानपूर्वक परीशीलन किया गया।

7. प्रार्थी का तर्क है कि उसने नवम्बर 85 से अक्टूबर 86 तक डिवीजनल इंजीनियर टेलीकॉम, रेलवे इलेक्ट्रीफिकेशन प्रोजेक्ट, सवाईमाधोपुर (जिसे सुविधा की दृष्टि से तदुपरांत 'डीईटीआरई प्रोजेक्ट, सवाईमाधोपुर' से संबोधित किया जावेगा) के यहां कार्य किया एवं नवम्बर, 86 से अगस्त, 87 तक अप्रार्थी एस डी टी, सवाईमाधोपुर के यहां कार्य किया। डीईटीआरई प्रोजेक्ट, सवाईमाधोपुर के यहां अप्रार्थी ने ही कार्य पर रखा था। इस प्रकार उसने 240 दिन से अधिक कार्य किया है। जबकि अप्रार्थी ने अपने जबाब में कथन किया है कि डीईटीआरई प्रोजेक्ट, सवाईमाधोपुर से उसका कोई संबंध नहीं है और उसने आधारहीन तथ्यों पर उक्त प्रोजेक्ट में कार्य किया जाना बतलाकर इस कार्य को 240 दिन पूर्ण किये जाने के तथ्य में जोड़ा है। उसके यहां प्रार्थी पार्ट टाइम वर्कर था और ना ही 240 दिन तक कार्य किया है।

8. प्रार्थी बाबूखान ने अपने शपथ-पत्र व जिरह में इस तथ्य को नहीं बतलाया है कि डीईटीआरई प्रोजेक्ट, सवाईमाधोपुर तथा एस डी ओ टी, सवाईमाधोपुर, दोनों एक ही विभाग हैं व अप्रार्थी एस डी जी

टी, सवाईमाधोपुर ने प्रार्थी को डीईटीआरई प्रोजेक्ट, सवाईमाधोपुर के यहां कार्य पर रखा हो। शपथ-पत्र में उसने दोनों कार्य अलग-2 पेज में नवम्बर 85 से अक्टूबर 86 तक डीईटीआरई प्रोजेक्ट, सवाईमाधोपुर के यहां व नवम्बर 86 से अगस्त, 87 तक अप्रार्थी एस डी ओ टी, सवाईमाधोपुर, के अधीन करना बतलाया है। प्रार्थी ने अपने शपथ-पत्र के साथ कार्य दिवस का विवरण जो प्रस्तुत दिया है, उसमें भी अप्रार्थी एस डी ओ टी, सवाईमाधोपुर, के अधीन अक्टूबर, 86 से अगस्त, 87 तक किये गये कार्य का वर्णन है। अतः स्वयं प्रार्थी के प्रलेख से स्थिति स्पष्ट हो जाती है कि प्रार्थी स्वयं भी साक्ष्य से यह साबित नहीं कर पाया है कि उसे डीईटीआरई प्रोजेक्ट, सवाईमाधोपुर के यहां अप्रार्थी एस डी ओ टी, सवाईमाधोपुर ने कार्य पर रखा था। प्रार्थी ने जो शपथ-पत्र के साथ कार्य विवरण प्रस्तुत दिया है, उसमें डीईटीआरई प्रोजेक्ट, सवाईमाधोपुर के यहां किये गये कार्य का विवरण भी अंकित नहीं किया है, जिससे स्पष्ट है कि वह स्वयं इस कार्य को उसमें नहीं जोड़ता है। इसकी पुष्टि कार्य दिवसों के विवरण से भी होती है। उसने स्वयं ने अप्रार्थी के यहां किये गये कार्य विवरण की फोटो प्रति प्रदर्श डब्ल्यू-3 अलग से प्रस्तुत की है व केस, जोधपुर में जो अतिरिक्त शपथ-पत्र प्रस्तुत किया था, की प्रमाणित प्रति भी प्रदर्श डब्ल्यू-31 के रूप में प्रस्तुत की है, जिसमें भी उसने अप्रार्थी के यहां अक्टूबर 86 से जुलाई, 87 तक 273 दिन कार्य करने का विवरण प्रस्तुत किया है, किन्तु उसने डीईटीआरई प्रोजेक्ट, सवाईमाधोपुर के यहां किये गये कार्य का विवरण अंकित नहीं किया है। इससे भी यह साबित होता है कि प्रार्थी स्वयं दोनों इकाइयों को अलग-2 मानता है। इस सन्दर्भ में माननीय राज. उच्च न्यायालय ने अपने न्याय दृष्टांत "2000 (3) डब्ल्यू एस सी 70-स्टेट आफ राज. बनाम अरुण कुमार एवं अन्य" ने यह अभिमत प्रकट है कि कर्मकार ने यद्यपि 285 दिवसों तक कार्य किया, किन्तु एक ही विभाग की भिन्न इकाइयां हैं जिन्हें परस्पर व्यावसायिक एकत्व नहीं रहा हो तो यह नहीं माना जा सकता कि उसने 240 दिवसों तक कार्य किया और वह धारा 25 के लाभ का हकदार न होगा। इसी प्रकार नवीनतम न्यायदृष्टांत "2005 (1) डी एम जी (राज.) 14-सार्वजनिक निर्माण मजदूर संघ, भीलवाड़ा बनाम न्यायाधीश, श्रम न्यायालय, उदयपुर एवं अन्य" में भी यह अभिव्यक्त प्रकट किया कि अपीलार्थी कर्मकारों के कार्य आवश्यकता के अनुसार विभिन्न समयों पर अलग-अलग विद्युत, टेलीकॉम डिवीजन में अलग-अलग यूनिटों में काम किया—उन्हें कार्य चलने के दौरान अनुबंधित किया गया तथा संबंधित सब-डिवीजन में कार्य समाप्ति पर उनकी सेवाएं समाप्त कर दी गयीं—संबंधित सब-डिवीजन, उक्त सब डिवीजन में उनको नियोजित किये जाने के समय उनके नियोजित थे—उनके प्रत्येक यूनिट में सेवाकाल को शामिल नहीं किया जा सकेगा और इस प्रकार धारा 25-एफ के प्रावधान अपीलार्थी कर्मकारों पर आकर्षित नहीं होते। अतः हस्तगत मामले से प्रार्थी श्रमिक का यह तर्क कि दोनों विभाग की सेवाओं को जोड़ा जाये, मानने योग्य नहीं है।

9. जहां तक 240 दिन कार्य पूर्ण किये जाने का प्रश्न है, इस संबंध में अप्रार्थी ने कहा है कि प्रार्थी ने उनके यहां 240 दिन पूर्ण कार्य नहीं किया है, केवल 210 दिन ही कार्य किया है। प्रार्थी स्वयं ने अप्रार्थी के यहां दिये गये कार्य का विवरण प्रस्तुत किया है जिससे अक्टूबर 86 से जुलाई, 87 तक का विवरण अंकित है जिसमें 210 दिन ही कार्य करना

बतलाया है। प्रदर्श डब्ल्यू 3-1 प्रार्थी ने अतिरिक्त शोध-पत्र जो कि उसने केट, जोधपुर में प्रस्तुत किया था, में भी उसने 210 दिन ही कार्य करना बताया है व जुलाई, 87 तक ही कार्य करना बताया है। उसने इन कार्यदिवसों में साप्ताहिक अवकाशों व अन्य बीमारी की छुट्टी को भी जोड़ा है। साप्ताहिक अवकाश के संबंध में यह स्पष्ट है कि जब तक प्रार्थी पूरे वर्ष लगातार कार्य नहीं करे तब तक कार्यदिवसों में उसके साप्ताहिक अवकाश नहीं जोड़े जाएंगे। उसने कार्यदिवसों का विवरण जो अपने शपथ-पत्र के साथ प्रस्तुत किया है, उसने मास अक्टूबर, 86 में 13 दिन, फरवरी, 87 में 23 दिन, मार्च, 87 में 22 दिन, अप्रैल, 87 में 20 दिन, मई, 87 में 22 दिन, जून, 87 में 18 दिन व जुलाई, 87 में 14 दिन दर्शाये हैं, जिनसे यह साबित होता है कि प्रार्थी ने पूरे माह में पूरे दिन कार्य नहीं किया है, केवल कुछ माह नवम्बर, दिसम्बर, 86 व जनवरी, 87 में ही 26-26 दिन कार्य किया है, अतः प्रत्येक माह के साप्ताहिक अवकाश कार्य दिवसों में नहीं जोड़े जा सकते। ऐसी स्थिति में उसका यह कथन कि उसने 240 दिन पूर्ण कार्य किया है, स्वीकार किये जाने योग्य नहीं है और अप्रार्थी ने अपने जबाब में जो कुल 210 दिन ही कार्य करना बतलाया है, यही साबित होता है।

10. प्रार्थी ने अपने क्लेम स्टेटमेंट में, कैट न्यायालय में ओ.ए. क्रमांक 1083/92 प्रस्तुत करना दर्शाया, जहां से आदेश हुआ कि अप्रार्थी धारा 25-एच की पालना करे। इससे भी यह साबित होता है कि धारा 25-एफ अधिनियम का मामला भी प्रार्थी ने वहां साबित नहीं किया। प्रार्थी द्वारा ओ.ए. में जो आदेश/निर्देश हुआ, की प्रति भी प्रस्तुत नहीं की है, किन्तु उसके क्लेम स्टेटमेंट के पैरा 6 में वर्णित तथ्यों से यह साबित हो जाता है कि उसने धारा 25-एफ अधिनियम का मामला कैट न्यायालय में भी दायर नहीं किया था। प्रार्थी ने उक्त मामले में कन्टेम्प्ट की कार्यवाही भी की थी, उसमें कैट द्वारा यह निर्देश दिया गया कि प्रार्थी यह साबित करे कि अप्रार्थी ने नये श्रमिक लगा लिये हैं, किन्तु वह यह साबित नहीं कर सका। उसने नया ओ.ए. प्रस्तुत करने की बात कही जो भी उसने वापस ले लिया। इससे ऐसा प्रतीत होता है कि प्रार्थी स्वयम् यह जानता था कि उसने 240 दिन तक अप्रार्थी के यहां कार्य नहीं किया है। प्रार्थी ने दिनांक 1-9-87 से अप्रार्थी द्वारा नौकरी से हटाना बताया है तथा उसने सन् 1992 में कैट न्यायालय में अप्रार्थी के विरुद्ध सर्वप्रथम कार्यवाही की है। किसी प्रकार का लिखित कथन अप्रार्थी को प्रार्थी ने दिया हो, प्रस्तुत नहीं किया गया है, केवल मात्र यह कहा है कि उसने मौखिक निवेदन किया है, किन्तु किससे व किसके समक्ष निवेदन किया है, ऐसी कोई साक्ष्य प्रस्तुत नहीं की गयी है और इस देरी का कोई संतोषप्रद कारण नहीं बताया है। यह सही है कि अधिनियमान्तर्गत, परिसीमा अधिनियम लागू नहीं होगा, किन्तु इतनी देरी से विवाद उठाये गये मामले में देरी का युक्तियुक्त कारण जो उसे बतलाना ही चाहिए अन्यथा प्रार्थी स्वेच्छा से नौकरी से गैर-हाजिर हुआ, का निष्कर्ष निकाला जा सकता है, जैसा कि न्यायदृष्टांत 'ए.सी.सी. 1998 पृष्ठ 733-हरियाणा राज्य बनाम ओमप्रकाश' के मामले में माननीय उच्चतम न्यायालय द्वारा अभिमत प्रकट किया गया है।

11. प्रार्थी ने दिनांक 1-9-87 से अपने आपको सेवा से पृथक करना बतलाया है, किन्तु प्रार्थी की शपथ-पत्र पर रखी साक्ष्य व उसके द्वारा प्रस्तुत प्रदर्श डब्ल्यू 3 कार्यदिवस विवरण से साबित होता है कि

उसने जुलाई, 87 तक ही कार्य किया है व अगस्त, 87 से उसे सेवा में नहीं रखा गया। इस न्यायाधिकरण की निर्देश/विवाद दिनांक 1-9-87 से सेवा से पृथक करने का अधिनिर्णयार्थ समप्रेषित किया गया है। इस संबंध में हमारे समक्ष उपलब्ध न्यायदृष्टांत 'एस.बी.सिबिल रिटयाचिका सं. 4219/96-एकजी. इंजीनियर, पी.एच.ई.डी.बनाम देरावरसिंह निर्णय दिनांक 17/4/2001' पर अवलम्ब लिया जा सकता है जिसने माननीय राज. उच्च न्यायालय ने यह कहा है कि श्रमिक ने 11-2-88 को सेवा से निकालने का कथन दिया है जबकि जो साक्ष्य प्रस्तुत हुई है, उसमें उसने 5-9-88 तक कार्य किया है और 5-9-88 को उसको निकाले जाने के मामले को न्यायालय नहीं देख सकती, लेबर कोर्ट द्वारा इस मामले में 5-9-88 को प्रार्थी की छंटनी को अवैध घोषित करते हुए प्रार्थी श्रमिक को लाभ दिला दिये थे, परन्तु माननीय उच्च न्यायालय ने इस रिट-याचिका में श्रम न्यायालय के इस आदेश को अपास्त कर दिया और यह अभिनिर्धारित किया कि 5-9-88 को श्रमिक की छंटनी कर देने के मामले को श्रम न्यायालय नहीं देख सकता है क्योंकि 11-2-88 को प्रार्थी श्रमिक को छंटनी करने का रेफ्रेन्स हुआ था और रेफ्रेन्स से बाहर जाकर अधिनिर्णय पारित नहीं किया जा सकता। चूंकि हस्तगत मामला भी इसी प्रकार का है इसलिए यह न्यायाधिकरण प्रार्थी को अगस्त, 87 से किये गये सेवामुक्ति के मामले को नहीं देख सकता, अर्थात् न्यायाधिकरण, सम्प्रेषित निर्देश से बाहर जाकर प्रार्थी तक मामले का निस्तारण नहीं कर सकता।

12. अतः उक्त सम्पूर्ण विवेचन के आधार पर प्रार्थी श्रमिक अपना क्लेम साबित करने में सफल नहीं हुआ है और वह अप्रार्थी से किसी प्रकार का कोई अनुतोष प्राप्त करने का अधिकारी होना नहीं पाया जाता है।

परिणामतः भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा सम्प्रेषित निर्देश/विवाद की अधिनिर्णित दर इस प्रकार उत्तरित किया जाता है कि प्रार्थी श्रमिक बाबूखान पुत्र दुलीखान अपने क्लेम के आधार पर यह प्रमाणित नहीं कर पाया है कि उसे अप्रार्थी टेलीकाम डिस्ट्रिक्ट मैनेजर, टेलीकम्यूनिकेशन विभाग, सवाईमाधोपुर द्वारा दिनांक 1-9-87 से सेवा से अनुचित एवं अवैध प्रकार से पृथक किया गया है, अतः वह अप्रार्थी से किसी भी प्रकार का कोई अनुतोष प्राप्त करने का अधिकारी घोषित होने योग्य नहीं है।

के.के. गुप्ता, न्यायाधीश

नई दिल्ली, 21 अक्टूबर, 2005

का.आ. 4334.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भाखड़ा बाँध (बी.बी.एम.बी.) के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं-I चण्डीगढ़ के पंचाट (संदर्भ संख्या 23/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-05 को प्राप्त हुआ था।

[सं. एल-42012/147/90-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 21st October, 2005

S.O. 4334.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 23/91) of the Central Government Industrial Tribunal/Labour Court No.-I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bhakra Dam (BBMB) and their workman, which was received by the Central Government on 21-10-05.

[No. L-42012/147/90-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 23/91

Sanjiv Kumar Malhotra,
House No. 32, W, Nangal Township,
District Ropar. ... Applicant

Versus

Chief Engineer,
Bhakra Dam, Nangal Township,
District Ropar. ... Respondent

APPEARANCES:

For the Workman : Workman in person
For the Management : Shri R. C. Atri.

AWARD

Passed on 21-9-05

Central Govt. vide No. L-42012/147/90-IR-(DU) dated 18th of February 1991 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Chief Engineer, Bhakra Dam, (BBMB) Nangal township, district Ropar is justified in terminating the services of Shri Sanjiv Kumar Malhotra son of Shri Ram Malhotra, Store attendant in BSR Civil Division w.e.f. 25-7-1984 is justified? If not, what relief the concerned is entitled to?"

2. Workman has submitted in claim statement that he was employed by the Bhakra Beas Management Board (hereafter called as Board) under the chief engineer, Bhakra Dam Nangal as store attendant w.e.f. 28-4-1984 in Bhakra Spillway Repair Division Nangal in work charge capacity. He was appointed on the post which was of continuous nature. His work and conduct was excellent. His services were retrenched w.e.f. 25-7-1984 without any notice and the post of store attendant was in existence in Nangal Spillway repair division. That after his retrenchment two fresh hands persons Avinash Chander and Kamaljit were recruited in the same post of store attendant and in the same division. These two persons are still working in BSR Division and their services were regularized. That it amounts to violation of Section 25H of the I.D. Act. He prayed for his reinstatement to the post with back wages and consequential benefits.

3. Management in written statement has taken the preliminary objection that there is no dispute existing the

services of the petitioner came to an end on the expiry of the specified period of his employment and therefore the reference is not maintainable. On facts the allegation of the workman in claim statement denied by the management as incorrect. Further it is averred that the petitioner was appointed as store attendant for 89 days specified period as per terms and condition stipulated in the appointment letter in the exigency of work. Services of the workman came to an end after the expiry of 89 days as per terms and condition laid down in para VI(a) of the appointment letter and clause 20(ii) of Certified Standing order. The workman also raised the dispute after 8 years. He was gainfully employed after his service came to an end by afflux of time. The post of store attendant were notified through employment exchange. The name of the petitioner was not sponsored by the employment exchange. The vacancy of the store attendant were notified with the employment exchange. The appointment of Shri Avinash Chander was made from the candidates sponsored from employment exchange in BSR division. Kamaljit Singh was not recruited in same division and para 3 of the claim statement is absolutely wrong. He too was appointed after proper notification through employment exchange. The services of Shri Avinash Chander and Kamaljit Singh were regularized as they were appointed on regular basis after notifying the vacancies through employment exchange. The petitioner did not attain the status of retrenchee being a specified period appointee without sponsoring through employment exchange. And his services came to an end after expiry of 89 days specified period as per terms and conditions laid down in clause VI(a) of the appointment letter.

4. Workman filed rejoinder reiterating the claim made in the claim statement.

5. In evidence workman examined himself as WWI and management examine MWI Gurbachan Singh Senior Assistant of BSR division. The workman and management witness support their respective pleas of the parties.

6. Final arguments heard. Both parties also filed written arguments. Workman in written arguments reproduce the same thing and has taken the plea that after termination of his service management appointed another two persons in his place i.e. Avinash Chander and Kamaljit. The post of store attendant was of a continuous nature on which he was appointed on ad hoc basis for 89 days which is unfair labour practice which is clear violation of Section 25H of the I.D. Act. He also referred to 1989(2) Balbir Singh Vs. The Kurukshetra Central Cooperative Bank Ltd. page 55 and also another judgment of our own High Court in Ranjit Singh Vs. State of Punjab and others. It is held in this judgment that Labour Court held the termination of the service not justified and not in order. However back wages were denied to the petitioner. It is contended that once the court comes to the conclusion that there was no justification for terminating the services of the petitioner back wages could not be denied on the ground that his name not registered with employment exchange.

7. On the other hand management filed written arguments and submitted that services of the workman automatically came to an end after expiry of 89 days as per

terms and conditions laid down in appointment letter as per para VI(a) and clause 20(ii) of the Certified Standing Order applicable on the workman which is reproduced as below:

"No notice of termination of service will be given if:
(a) You were originally appointed for a specified period against the specified job.

Clause 20(ii): In cases which are not covered by Sub-clause (1) above, services of an employee with less than one year service shall be terminable on 10 days notice in written or on payment of pay and advances in lieu thereof by either party. However no notice shall be required to terminate the services of the workman with less than three months service or in case of casual employees or those for specified period."

8. It is argued that termination of the workman is not a retrenchment in terms of Section 2(oo)(bb) of the I.D. Act. It is also argued that post of store attendant were notified through employment exchange. The name of the petitioner was not sponsored by the employment exchange and names of Avinash Chander and Kamaljit Singh were sponsored and they were appointed after due procedure of recruitment was adopted in BSR Division, Nangal and BSR Mechanical Division, Nangal and their services were also regularized. Section 25H of the I.D. Act is not applicable in this case as workman was never retrenched in terms of definition of retrenchment as provided in Section 2(oo)(bb) as he was appointed for specified period. He also relied on Ex.M2 the appointment letter that workman was appointed for a specified period. He also submitted that in several judgment passed by this Court holding that where workman was appointed for a specified period of 89 days and after the afflux of time contract not renewed and on completion of 89 days, the workman service automatically came to an end, it is not a retrenchment. Management also relied on the judgment of our own High Court reported in 1994(1) PLR page 310 Karnal Central Coop. Bank Ltd. Vs. Presiding Officer, Rohtak. Wherein it is held that workman admittedly had less than 240 days of service, not necessary for the management to comply with the provisions of Section 25-H, industrial worker who do not complete 240 days of service have no industrial right under the Act.

9. In view of the above submission and my perusal of the oral evidence and documents, I have found that there is short controversy in this case that when the workman was appointed vide appointment letter Ex.M2 for 89 days and there is a clause 6(a) that his appointment is for 89 days only from the date of joining. As per appointment letter no notice of termination of service will be given if he is originally appointed for specified period against the specified job. In this case as per reading this appointment letter in the last there is a clear clause that this appointment is for 89 days from the date of joining. As regard law referred by the workman in this case Ranjit Singh Vs. State of Punjab, I found that this judgment relates to the grant of back wages. It is held in this judgment that Labour Court held the termination of the service not justified and not in order. However back wages were denied to the

petitioner on the ground that his name was not registered with the Employment Exchange and once the court comes to the conclusion that there was no justification for terminating the services of the petitioner back wages could not be denied. This judgment is on the point of back wages to the workman on the above ground but the facts of the present case are totally different and this judgment is not applicable. As regard second judgment referred by the workman in his written arguments, I have found that facts of the case are that workman was appointed on ad hoc basis for a period 89 days and joined as such on 21-5-1986. The petitioner continued to be in employment upto August 22, 1987. In the circumstances it was held by our own High Court that termination of the workman was bad without following the provisions of Section 25F and new posts advertised. It was held that non-renewal of contract was not relevant U/s 2(oo)(bb). I have found that in this case workman has completed almost one year and three months and in all has completed more than 240 days and in this period although it is not mentioned in the authority but when he has worked for more than one year three months i.e. about 15 months although his initial appointment was for less than three months which was renewed for five occasions for 89 days each time. In the present case the workman's services came to an end automatically after the expiry of 89 days and the contract was not renewed. In the present case, the workman alleged no mala fide on the part of the management wherein the referred judgement after the completion of 89 days contract workman was allowed to continue in service for another 12 months and made no efforts to absorb or offer him regular appointment or considered in regular process. This was held bad in the above referred judgment.

10. In view of the above facts and law, it is clear that present workman worked in all only for 89 days as per stipulation in appointment letter, it was not renewed any further and thus has not completed 240 days and his engagement was over and came to an end as 89 days were over.

11. The other two workmen were appointed as they appeared through employment exchange after completion the regular process against a regular post. Workman name was not registered and his name was not sent by employment exchange and he did not participate in employment process. Workman appointment was on contract for 89 days only which was never extended and as both the authorities referred by workman are not applicable as are on different facts and law as held above. It was not a retrenchment and as workman has not completed 240 days in a calendar year prior to his termination, here is no violation of Section 25 of the I.D. Act, 1947. It is also not unfair labour practice. Thus the management has proved that action of the management in terminating the services of workman is justified and as a result workman is not entitled for any relief. The reference is thus decided in favour of the management. Reference is answered accordingly. Central Govt. be informed. File be consigned to record.

Chandigarh.

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 2005

का.आ. 4335.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या सीजीआईटी 9/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-05 को प्राप्त हुआ था।

[सं. एल-40012/89/2004-आई आर (डी यू)]
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 21st October, 2005

S.O. 4335.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-9/2005) of the Central Government Industrial Tribunal Labour Court, Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of D/o Post and their workmen, which was received by the Central Government on 21-10-05

[No. L-40012/89/2004-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT-9/2005

Reference No. L-40012/89/2004-IR(DU)

Sh. Ram Narayan,
S/o Sh. Gulla Ram,
R/o Post Bagawas via Renwal,
Tehsil Phulera,
Jaipur

... Applicant

Versus

1. Post Master General (Post),
O/o The Post Master General,
Near Government Press,
Sardar Patel Marg,
Jaipur.

2. Post Dak Inspector,
Post Office Chomu,
Distt. Jaipur.

3. Post Master,
Postal Department,
Chief Post Sambhar,
Distt. Jaipur

... Non-Applicants

PRESENT:

SH. R.C. SHARMA : Presiding Officer.

For the Applicant : Sh. R.C. Narang.

For the non-applicants : Shri Tej Prakash Sharma.

Date of award : 26-9-2005

AWARD

The Central Government in exercise of the powers conferred under Clause 'D' of sub-sections 1 & 2(A) of Section 10 of the Industrial Dispute Act, 1947 (hereinafter referred to as the 'Act') has referred this industrial dispute for adjudication to this Tribunal which runs as under :

"Whether the action of the management of Department of Posts, Jaipur in terminating the services of Shri Ram Narayan S/o Sh. Gulla Ram Verma from 23-5-2001 is legal and justified? If not, what relief the workman is entitled to and from which date?"

2. The workman has pleaded in his claim statement that he was appointed as a Dak Distributor on 21-7-99 vide appointment letter Ex. A-1, who continuously worked till 22-5-2001. But he was declined to attend the office on 23-5-2001. He addressed letters Ex. A-1 to A-6 to the concerned authority but he was not taken back in the service. He unsuccessfully raised an industrial dispute and a failure report was sent to the Central Government, which has referred the dispute to this Industrial Tribunal for adjudication. The workman has stated that he has completed the continuous service of 22 months whose service was terminated in violation of Section 25-F of the Act. It has also been averred that at the time of terminating his service, the junior employees to him were retained by the department in violation of Section 25-G of the Act and Rule 77 of the ID Rules (Central), 1957. He has urged that he may be reinstated in the service with all consequential benefits.

3. Resisting the claim of the workman, the non-applicants have averred in their written-counter that the Chief Superintendent, Central Telegram, Jaipur vide his letter dated 5-5-98 had requested to depute a Dak Distributor and on his request one Dak Distributor Sh. Om Prakash Swami was deputed on 21-8-98, who could not be repatriated till 21-7-99 and as such, an ad hoc appointment till the joining of the permanent employee was made. It has been further stated that on presenting an undertaking dated 21-7-99 by the workman before the Inspector, Post Office, Chomu, he was temporarily employed on the post of Dak Distributor on 21-7-99 and all the conditions of appointment were made clear to him. As per the averments of the non-applicants, the workman was appointed on ad hoc basis till the arrival of the permanent employee and on joining the duty by the permanent employee, his ad hoc appointment came to an end. The non-applicants have also specifically pleaded that the case is covered by the provision under Section 2(oo)(bb) of the Act and the workman's disengagement does not amount to the retrenchment.

4. In the rejoinder, the workman has reiterated the facts as stated in the statement of claim.

5. On the pleadings of both the parties, the following points for determination were framed :

I. Whether the workman was appointed as Dak Distributor on 21-7-99 by the non-applicant establishment at post office Bagawas, who continuously worked up to 22-5-2001, but his service was terminated on 23-5-2001 in violation of Section 25-F of the Act? BOA

II. Whether at the time of terminating the service of the workman, the junior persons were retained by the non-applicant establishment in violation of Section 25-G of the Act ? BOA

III. Relief.

6. In the evidence, the workman has submitted his affidavit and on behalf of the non-applicants, the counter-affidavit of MW-1, Sh. B. L. Bhati, Superintendent, Post Office has been brought on the record. Both these witnesses were cross-examined by the respective opposite representative. Both the parties have also led the documentary evidence on the record.

7. I have heard both the parties and have scanned the record. The point-wise discussion follows as under :

Point No. I

8. The Id. representative for the workman contends that the workman was appointed as a dak distributor on 21-7-99, who continuously worked for a period of 22 months, but his service was terminated on 23-5-2001 without serving upon him the notice or making payment of one month pay in lieu of the notice and retrenchment compensation under Section 25-F of the Act. The Id. representative has relied upon the appointment letter Ex. A-1 and the letters Ex. A-2 to A-7 addressed by the workman to the concerned authorities to take him back in the service.

9. Arguing contra, the Id. representative for the non-applicants contends that it is not disputed that the workman was appointed as a dak distributor, but he was appointed on the condition as stated at para 2 of the letter Ex. A-1. The Id. representative further elaborates that it was not an appointment but an engagement for time being and the workman had submitted an application Ex. 2 before the authority wherein he had made a request for his appointment and had given an undertaking that on return of the permanent employee his employment will be disengaged. The Id. representative has asserted that the workman had knowingly and willingly submitted this application and thus the department has not committed the violation of Section 25-F of the Act but the present controversy is attracted by Section 2(oo)(bb) of the Act and on arrival of the candidate, the workman's service was automatically terminated.

10. I have bestowed my thoughtful consideration to the rival contentions.

11. At first, I will dwell on the documentary evidence gathered on the record.

12. The workman has submitted the applications from Ex. A-2 to Ex. A-6, which are stated to have been addressed to the concerned authority urging him to reinstate him in the service on the post he had worked during the period in question. It is not in dispute that the workman had continuously worked from 21-7-99 to 22-5-2001 and the workman's case is that since he had continuously worked for more than 240 days in a calendar year preceding to his termination, he is entitled to the protection under Section 25-F of the Act inasmuch as his service was terminated in violation of the provisions

contained therein. The case set forth on behalf of the non-applicants is that it was an ad hoc appointment on account of deputing the permanent employee Sh. Om Prakash Swami to another office and it was made clear to the workman that on arrival of the permanent employee his employment would be discontinued and this case falls within the ambit of Section 2(oo)(bb) of the Act.

13. The material document in this respect is Ex. A-1, the letter of appointment dated 1-2-2000 which says that the post of EDDA has become vacant and "it is not possible to make regular appointment to the said post immediately. The undersigned has decided to make provisional appointment to the said post for a period from 21-7-99 to 31-1-2000 or till regular appointment is made, whichever period is shorter". Para 2 of the said letter states as below :—

"Shri Ram Narayan Verma is offered the provisional appointment. He should clearly understand that the provisional appointment will be terminated when regular appointment is made and he shall have not claim for appointment to any post."

14. It is thus manifestly clear from the perusal of this letter that an ad hoc appointment was made for a fixed period or till the availability of the regular candidate. It is further clear that the workman was made clear vide this letter that his appointment is provisional and whenever the regular appointment is made he would have no claim to continue on this post.

15. The non-applicant department has also brought on the record an application dated 21-7-99 Ex. 2 written in the handwriting of the workman wherein he has expressed his willingness for his appointment on the post of dak distributor lying vacant at Bagawas and after furnishing his biodata, he has specifically stated that he has understood that this appointment is temporary and whenever the department wishes, it may discontinue him for which he will not raise any legal claim. He has also further admitted that he had gone through the conditions of the appointment. This application was submitted on 21-7-99, the day on which the workman was engaged as a dak distributor with the department. It, therefore, flows that the workman was well-conversant with the facts that he was being appointed temporarily for a fixed period or till the arrival of the regular employee. This fact stands confirmed by the workman in his cross-examination wherein he has admitted that the application Ex. 2 was written by him. Although, in continuation of his statement he has disclosed that this application was got written by him subsequently, yet it appears to be an afterthought version as it could not be fortified by any fact on the record.

16. On behalf of the department, it has been further elaborated that one permanent employee named Sh. Om Prakash Swami was sent on deputation to the another branch and in his place the workman was employed temporarily and as soon as Sh. Om Prakash Swami was repatriated, the workman's engagement was discontinued. To strengthen this submission, the non-applicants have brought on the record material documents. Ex. 1 is the letter dated 5-5-98 written by Sub Divisional Engineer, Central

Telegram Office, Jaipur requesting the Superintendent of the department at Jaipur that the telecom centre in Renwal is working and a great difficulty is being experienced in carrying out the delivery work of the telegrams in this office and it was requested to depute one EDDA employee to carry out the deliver work of the telegrams. It has been contended that on the request made by the Sub Divisional Engineer, Om Prakash Swami, EDDA working in the Bagawas branch was deputed in this branch. This fact is further confirmed by the order dated 20-4-2001 issued by the Sub Divisional Engineer, Jaipur which says that "Om Prakash Swami, EDDA, Bagawas who is presently working on deputation at T.C. Renwal and directed to resort for his further duty to Superintendent of Post Office, Jaipur, Moffusil Division, Jaipur". It leads to infer that Om Prakash Swami, EDDA, Bagawas who was deputed to Renwal branch was repatriated to Bagawas by the said order.

17. To a question, the workman in his cross-examination has admitted that a permanent employee of the Bagawas branch was sent on deputation in the telecom department and on the vacant post he was employed. He has further admitted that thereafter the same employee, whose name was Om Prakash, was taken on the post in the branch. He has also clearly admitted that during the period Om Prakash was working in the another branch, he was substituted in his place and as soon as Om Prakash returned, his employment was discontinued. All these facts go to establish that the workman was engaged as a dak distributor on the vacant post on account of the deputation of Om Prakash Swami to the another branch and on his repatriation to Bagawas branch, the employment of the workman was discontinued. On the strength of the documentary as well as oral evidence as analysed supra, the non-applicant department has successfully established that the workman's employment was conditional as stated in the provisional appointment letter Ex. A-1 and on repatriation of the regular employee his engagement came to an automatic end and as such, the present controversy is attracted by the provision contained under Section 2(oo)(bb) of the Act and thus viewed, the workman's disengagement does not tantamount to the retrenchment.

18. To conclude, the workman has failed to establish that he is entitled to the protection under Section 25-F of the Act, and this point is accordingly decided against him and in favour of the non-applicant department.

Point No. II

19. The Id. representative for the workman does not press this point. No evidence could be led by the workman to discharge the burden of proof on this point, which is decided against him.

RELIEF

20. For the foregoing reasons, the workman is entitled to no relief.

21. In the result, the reference is answered in the negative against the workman and in favour of the non-applicant department and it is held that the termination order dated 23-5-2001 passed by the non-applicant department against the workman is legal and justified and

the claim of the workman is dismissed. An award is passed in these terms accordingly.

22. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 2005

का.आ. 4336.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साकथ ईस्टर्न रेलवे के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या आई डी-56/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-05 को प्राप्त हुआ था।

[सं. एल-41012/186/2002-आई.आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st October, 2005

S.O. 4336.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 56/2003) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of South Eastern Railway and their workman, which was received by the Central Government on 20-10-05.

[No. L-41012/186/2002-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri T. Ramachandra Reddy, Presiding Officer

Dated the 10th October, 2005

Industrial Dispute No. 56/2003

BETWEEN:

Smt. Pramila Das,
C/o Shri Madhav Das,
D.No. 2-101, Ganesh Nagar,
Gopalapatnam (Presiding Officer),
Visakhapatnam-530001.

... Petitioner

AND

1. The Chief Medical Superintendent,
South Eastern Railway Hospital,
Dondaparthi, Visakhapatnam.

2. The Divisional Railway Manager,
S.E. Railway, Waltair Division,
Dondaparthi, Visakhapatnam-530016.

... Respondents

APPEARANCES:

For the Petitioner : S. Rama Rao, Advocate.

For the Respondent : K. Dakshina Murthy,
Advocate.

AWARD

This is a reference under Section 10 of ID Act referred by the Government of India, Ministry of Labour and Employment, New Delhi in its Notification No. L-41012/186/2002-IR(B-I), dated 28-3-2002 for adjudication of the reference stated as follows :

“Whether the action of the management of Chief Medical Superintendent, S.E. Railway Hospital, Visakhapatnam in termination the services of Smt. Pramila Das Ex-Casual Tailor, S.E. Railway Hospital, Waltair Division, Visakhapatnam is justified? If not, what relief she is entitled to?”

2. The petitioner Smt. Pramila Das has submitted that she was appointed as a Tailor by the second respondent on 30-6-1996 on payment of honorarium of Rs. 100 per month for a period of 6 months initially on a experimental measure subject to keeping a record on lenient mended and stitched and subject to the same being reviewed after 6 months and the services of the petitioner were placed at the disposal of the Chief Medical Superintendent, S.E. Railway, Visakhapatnam. Her services were extended in various spells in October and she was drawing emoluments to the tune of Rs. 800 by the time of her disengagement of her services. She further submitted that she worked as a Tailor uninterruptedly for more than 14 years and that her services were terminated without assigning any reason and without paying terminal benefits. She approached the Assistant Labour Commissioner(C), Visakhapatnam by raising an industrial dispute on her termination who held conciliation meeting with both the parties on 11-9-2001 wherein the respondent management and the petitioner expressed divergent views culminating failure conciliation. The petitioner sought the relief of her reinstatement into the services with all attendant benefits and continuity of services.

3. The first respondent filed a counter and denied the averments made in the petition and pleaded that the claim of the petitioner is bad under law for non joinder of necessary parties without impleading the Union of India. It is further submitted that the petitioner was not appointed but only engaged as a Tailor on payment of honorarium in terms of para 1334 FR 46 of IREC, Volume-II whenever there was a work to be performed which occasional or intermittent in nature and either so laborious or of such special merit as to justify a special award the Divisional Railway Manager is competent to engage a person in that particular work on honorarium basis with the concurrence of Sr. DAO. It is further stated that the petitioner was engaged as a part-time Tailor in the respondent hospital on honorarium basis at the rate of Rs. 100 per month for two days work in a week for a period of 6 months on experimental measure. She was paid only honorarium and not a regular wages payable to the workman. It is further submitted that the engagement of the petitioner was continued upto 31-12-1989 for two

days work in a week and from 1-1-1992 to 31-12-1997, the services of the petitioner were utilized for 4 days work in a week on honorarium basis and from 1-1-1998 to 15-2-2000, her services were utilized for Tailoring work on honorarium basis only with the prior approval of the first respondent with the concurrence of the Sr. DAO/WAT by reviewing year by year with a small increase of honorarium amount as per the request of the petitioner. The services of the petitioner were never utilized on permanent basis. The management decided to discontinue to the honorarium services of the petitioner as there was no sanctioned post and no stitching work in the hospital and further the services of the petitioner are temporary in nature. It is denied that she was drawing Rs. 800 per month at the time of disengagement. It is further submitted that the petitioner is not a regular workman to follow the procedure as alleged by the petitioner under ID Act and there is no relationship of employer and workman between the respondent and the petitioner.

4. The petitioner filed her affidavit in support of her claim reiterated the averments made in the claim application and got inarked the documents as Exs. W1 to W4. As against this evidence, the respondent filed an affidavit of Dr. B.C. Behara making the same averments as taken in the counter and got marked the documents as Exs. M1 to M4.

5. The issue that has to be considered where the relationship of workmen and employer exists between the petitioner and respondent and the petitioner is entitled for reinstatement as prayed.

6. It is not in dispute that on according sanction for engagement of part-time Tailor vide Ex. W1, the petitioner was engaged on payment of honorarium of Rs. 100 per month for a period of 6 months from 3-7-1986 vide Ex. W2 dated 1-7-1986. It is made clear in the order that she has to work indoor hospital twice in a week from 8 AM to 4 PM with lunch break from 1.30 PM to 2 PM and further she was advised to keep a record of workload which has to be attended to by the petitioner for reviewing her case after 6 months. Subsequently the engagement of the petitioner was extended from time to time and as per the Ex. M2; she worked twice in a week till 6-2-1989 and 4 days in a week from 1-1-1990 to 31-12-1997 and 6 days in a week from 1-1-1998 to 15-12-2000 and she was paid honorarium Rs. 600 from 1-1-1998 till she was removed. It is also discloses that honorarium was also increased from time to time taking into consideration of the days of the work in a week. The services of the petitioner were terminated at the instances of the financial adviser of the S.E. Railway as Ex. M3.

7. The Learned Counsel for the petitioner contended that the petitioner having worked for about 14 years was terminated by the respondent management arbitrarily without giving any notice and not followed the procedure as required under the ID Act and further contended that the petitioner is entitled for reinstatement with all benefits and continuity of the services.

8. On the other hand, the Learned Counsel for the respondent contended that there is no relationship of workmen and employer between the petitioner and

respondent and the petitioner was only a part-time Tailor worked on honorarium which cannot said to be a wages and further contended that there is no sanctioned post for such Tailor in the department and the petitioner was engaged as per the 1334 FR 46 by taking prior permission and paying honorarium. As such, the petitioner cannot claim any right for reinstatement. The Learned Counsel for the respondent relied on the following rulings :

1. 2001 (6) ALT 39 (D.B.) Suprintending Engineer, HCC.I., CPWD, Hyd. Vs. Tekmalla Raj Sekhar and Others.

2. AIR 1994 SC 1638 Madhyamic Siksha Parishad, U.P. Vs. Anil Kumar Mishra and Others etc.

9. It has to be seen where there is a relationship of workman and employer between the petitioner and the respondent. The engagement order issued by the respondent management discloses that she was engaged as a part-time worker by paying honorarium and that honorarium was increased from time to time taking into consideration of the days of the work in a week with prior permission of the concerned authorities. It should be noted that the petitioner was not appointed as a workman. The order itself shows that she was engaged by paying honorarium. The para 1334 FR 46 of Indian Railways Establishment Code, Volume-II discloses that whenever there was a work to be performed which is occasional or intermittent in nature, the Divisional Railway Manager is competent to engage a person on a particular work on honorarium basis with the concurrence of the Sr. DAT. Admittedly, there is no sanctioned post for the Tailor and the work of the petitioner was only a part-time in nature. The nature of the work of the petitioner cannot said to be a perennial and permanent in nature. Her work was reviewed from time to time for further engagement. The petitioner cannot said to be a workman within the definition of ID Act since she was paid only honorarium and her work is only temporary in nature. Merely because she worked for more than 240 days, she cannot get the status of casual workman. It is observed in para 4 of the ruling in AIR 1994 SC as follows :

"We are unable to unhold the order of the High Court. There were no sanctioned posts in existence to which they could be said to have been appointed. The assignment was an ad hoc one which anticipatedly spent itself out. It is difficult to envisage for them, the status of workmen on the analogy of the provisions of Industrial Disputes Act, 1947, importing the incidents of completion of 240 days work. The legal consequences that flow from work for that duration under the ID Act, 1947 are entirely different from what, by way of implication, is attributed to the present situation by way of analogy. The completion of 240 days work does not, under that law import the right to regularisation. It merely imposes certain obligations on the employer at the time of termination of the service. It is not appropriate to import and apply that analogy, in an extended or enlarged form here."

In view of the material on record, I find that there is no relationship of workmen and employer between the

petitioner and respondent and the petitioner is not entitled to the relief claimed.

10. In the result, an award is passed holding that the action of the management of the Chief Medical Superintendent, SE Railway Hospital, Visakhapatnam, in terminating the services of the petitioner is justified and the petitioner is not entitled for any relief.

Dictated to Shri P. Kanaka Raju, LDC transcribed by him, corrected by me and given under my hand and seal of this Court on this the 10th day of October, 2005.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1	MW1

Documents marked for the Petitioner

- Ex. W1 : Sanction Order dated 30-6-1986.
Ex. W2 : Appointment order dated 1-7-1986
Ex. W3 : Report of the conciliation officer.
Ex. W4 : Payment voucher dated 13-8-2001.

Documents marked for the Respondent

- Ex. M1 : Certified copy of Indian Railway establishment code Volume-II from page 33 and 34.
Ex. M2 : Lr. dated 13-1-2000 addressed by the first respondent to Sr. DAO and statement under Annexure A.
Ex. M3 : Lr. dated 8-12-2000 from the financial adviser to the Dy. CMD, SE Rly., Calcutta.
Ex. M4 : Lr. dated 16-12-2000 addressed by CMS to Chief Matron SE Railway Hospital, VSP.

नई दिल्ली, 24 अक्टूबर, 2005

का.आ. 4337.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अशोका स्टोन वर्क्स के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद संख्या-2 के पंचाट (संदर्भ संख्या 58/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-10-2005 को प्राप्त हुआ था।

[सं. एल-29012/1/2000-आई और (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 24th October, 2005

S.O. 4337.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 58/2000) of the Central Government Industrial Tribunal-cum-Labour

Court, Dhanbad No. 2 as shown in the Annexure in the Industrial Dispute between the management of M/s Ashoka Stone Works and their workmen, which was received by the Central Government on 24-10-2005.

[No. L-29012/1/2000-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Presiding Officer, Shri B. Biswas

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 58 of 2000

Parties :

Employers in relation to the management of M/s. Ashoka Stone Works, Pakur and their workman.

APPEARANCES

On behalf of the workman : Mr. K. Chakravorty
Advocate.

On behalf of the employers : Mr. S. N. Goswami,
Advocate

State : Jharkhand Industry : Stone

Dated, Dhanbad, the 28th September, 2005

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-29012/1/2000/IR(M) dated, the 26th May, 2000.

SCHEDULE

"Whether the action of the management of M/s. Ashoka Stone Works, Pakur, in terminating the services of Sri Inul Sheikh w.e.f. 12-3-1996 is justified? If not, to what relief the workman is entitled?"

2. In this case both the parties appeared through their authorised representative and filed Written Statement before this Tribunal. Subsequently, at the stage of evidence of workman Learned Advocate for the management submitted that the concerned workman has already received all his dues from the management and in support of that claim Money receipt has been filed. Learned Advocate for the concerned workman submitted that the concerned workman is not taking any step and also failed to give any further instruction in connection with the hearing of this case. In the circumstances, Ld. Advocate Mr. K. Chakravorty submitted that when the concerned workman is not interested to proceed with the hearing of this case let a 'No dispute' Award be passed. Perused the Money receipt and also heard both sides. From the Money

receipt it transpires that the concerned workman already withdrew his gratuity from the management. Accordingly it shows that he is no more interested in connection with the hearing of this case. Had that not been so definitely he would give instruction to his Advocate to take further step in the instant case for hearing. In view of the facts and circumstances discussed above there is sufficient reason to believe that the concerned workman is not interested to proceed with this case. Accordingly workman's case is closed. Management side also declined to adduce any evidence. Accordingly management's case is closed. In the circumstances on the prayer of Mr. K. Chakravorty, Learned Advocate for the concerned workman a 'No dispute' Award is passed in this reference presuming non-existence of any industrial dispute between the parties.

B. BISWAS, Presiding Officer

नई दिल्ली, 24 अक्टूबर, 2005

का.आ. 4338.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-I, नई दिल्ली के पंचाट (संदर्भ संख्या आई डी-30/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-2005 को प्राप्त हुआ था।

[सं. एल-12012/115/1998-आई.आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 24th October, 2005

S.O. 4338.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 30/99) of the Central Government Industrial Tribunal/Labour Court-I, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 21-10-2005.

[No. L-12012/115/98-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI SANT SINGH BAL, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 30/99

In the matter of an Industrial Dispute between :

Shri Purna Bahadur,
S/o Shri Til Bahadur,
R/o A-50, New Multan Nagar,
Delhi-110056.

... Workman

Versus

State Bank of India,
The Asstt. General Manager,
State Bank of India,
Region No. II,
Delhi Zonal Office-II,
Sansad Marg,
New Delhi-110001.

... Management

AWARD

APPEARANCES :

None for the workman.

Shri K. K. Sharma A/R for management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/115/98/IR(B-I) dated 6-1-99 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of State Bank of India in not regularising and then terminating the services of Sh. Purna Bahadur working as messenger/ Clerk is just, fair and legal ? If not, to what relief the concerned workman is entitled to ?”

2. Persual of the record shows that the workman is not appearing for last two hearings, and today also none is present for the workman. It appears that the workman is not interested in the prosecution of this reference. Hence No Dispute Award is passed. File be consigned to record room.

SANT SINGH BAL, Presiding Officer

नई दिल्ली, 24 अक्टूबर, 2005

का. आ. 4339.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद नं.-1 के पंचाट (संदर्भ संख्या 54/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-10-05 को प्राप्त हुआ था।

[सं. एल.-12011/52/1999-आई. आर. (बी-II)
सी. गंगाधरण, अवर सचिव

New Delhi, the 24th October, 2005

S. O. 4339.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 54/2000

of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad No. I, Tribunal as shown in the Annexure, in the industrial dispute between the management of Bank of India and their workmen which was received by the Central Government on 24-10-2005.

[No. L-12011/52/1999-IR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 1) AT DHANBAD

PRESENT :

SHRI B. BISWAS—Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 54 OF 2000

PARTIES :

Employers in relation to the management of Bank of India and their workman.

APPEARANCES :

On behalf of the workman : Mr. T.N. Dubey,
Autho. Representative

On behalf of the employers : Mr. Vikram Sinha,
Manager (IR)

State : Jharkhand

Industry : Banking

Dated, Dhanbad, the 23rd September, 2005

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12011/52/99-IR(B-II), dated, the 31st August, 1999.

SCHEDULE

“Whether the action of management of Bank of India Patna, in not providing duty leave to Office bearers and Executive Committee Member of Union affiliated to NCBE is justified as per Bipartite settlement ? If not, what action the management are required ?”

2. The case of the sponsoring union in brief is as follows :

The sponsoring union submitted that Bank of India Staff Association is affiliated to National Confederation of Bank Employees, the signatory of Bipartite Settlement in Banking Industry at national level. They submitted special leave of a minimum of 7 days and maximum of 21 days in a calendar year is sanctioned to the active office bearers of their union for attending meeting/conference at National State Federation. In addition to the above special leave, the activists of other unions other than Bank of India Staff Association are sanctioned a maximum of 10 days duty leave in a calendar year. Such duty leave is sanctioned for the purpose of visiting Branch to accommodate them to avert load/use on special leave. They submitted that as the said privilege has been given to other union office bearers their union are equally entitled to get such benefit. Contrary to the decision by the management is against the spirit of Bipartite settlement not only but it has exposed preferential treatment to the members of AIBEA. They submitted that 5th schedule of I.D. Act, 1947, describes unfair labour practice. It also restricts the employers to show favouritism or partiality to one of workers regardless of merit. Besides this, the withdrawals of the facility amounts to illegal change in the terms. They disclosed that as per Bipartite Settlement (Clause 13.1) Leave rules apply uniformly to all workmen. This Bipartite settlement is between the managements of banks as represented by the Indian Bank Association and their workmen as represented by the All India Bank Employees Association and the National Confederation of Bank Employees. This settlement is in the matter of employee's Pay scales, dearness allowance and terms and conditions of their employment. They alleged that the management (Zonal Manager, Bank of India, Patna) has unilaterally extended facility to office bearers/executive committee members of other union by issuing circular dt. 14-1-87. Thus it is against the spirit of the Bipartite Settlement and thus preferential treatment to the members of AIBEA in the matter of duty leave to carry out union work which in similar circumstances is denied to the members affiliated to NCBE though they were earlier granted this facility. They alleged that such decision has been taken by the management with malafide intention to hamper the growth and working of petitioner Union. Moreover, clause 13.20 and 13.99 of Bipartite Settlement do not discriminate between majority union and minority union in the matter of sanctioning of privilege leave or special leave to the office bearers of the executive committee members. They disclosed that the management is legally bound to implement the Bipartite settlement arrived at the apex level of the Banking industry of the country. It is not expected that management to side with a particular union by giving them preferential treatment to one set to its staff and deny the same to another. Such unequal treatment, they submitted has infringed the provision of Article 14 and 16 of the Constitution of India. Accordingly the sponsoring union submitted their prayer

to pass award directing the management to grant 10 days duty leave in a calendar year to the office bearers of the executive of the sponsoring union.

3. Management on the contrary after filing Written Statement-cum-rejoinder have denied all the claims and allegations of the sponsoring union which they have asserted in their Written Statement. They submitted that the Bank has certain welfare scheme for its employees like promotion of canteen facilities, provision of library, encouragement of sports and games, promotion of cultural and recreation activities and establishment of Holiday homes. To facilitate the smooth implementation of the aforesaid welfare activities, it formulated a scheme in the year 1974 and in terms of the said scheme the committees at various level were constituted to control, coordinate and monitor, utilisation of welfare fund and in terms of the said scheme, in all committees, the workmen and employees of the bank were to be represented by the Nominee of the Federation of the Bank of India Staff Union. They submitted that the Federation of Bank of India Staff Union is the only Organisation of workmen of the Bank functioning throughout the country and it represents the majority of the workman/employees of the Bank. In accordance with the accepted practice/convention, the All India Majority Union is always invited for discussions/negotiations on all important policy matters concerning workmen/Staff. Therefore in the aforesaid Committees, forming part of the Industrial relation machinery, the workmen/Staff of the Bank are represented by the nominees of the Federation of Bank of India Staff Unions since it is the only All India Majority Organisation of the workmen. They submitted that all the settlements concerning its workmen at the Bank level are signed between the Management and Federation of the Bank of India Staff Unions under the provision of I.D. Act, 1947. Though there are various minority Unions functioning differently in different Zones of the Bank, none of such minority Unions have representation/presence throughout the country in the Bank. These minority unions are normally associated for discussions on matters pertaining to individual grievances of its members. They submitted that duty leave subject to maximum of 10 days is allowed to the office bearers/Executive Committee members of the Federation of the Bank of India Staff Union and its regional unit, which is majority representative union in Bank of India, considering the fact that this majority union plays an important role with regard to negotiations, discussions with the management and their participation in the welfare activities. They submitted further that this leave of 10 days is in addition to entitlement of leave to Office Bearers of Union for attending meeting/conference as per Chapter 13 of the Bipartite Settlement which was signed at industry level and accordingly they submitted that as the petitioner union is a minority union they are not entitled to get such relief. In view of the facts and circumstances

management submitted their prayer to pass Award rejecting the claim of the Bank of India Staff Association.

4. POINTS TO BE DECIDED

"Whether the action of Management of Bank of India Patna, in not providing duty leave to office bearers and Executive Committee Member of Union affiliated to NCBE is justified as per Bipartite Settlement? If not, what action the management are required?"

5. FINDING WITH REASONS

It transpires from the record that Bank of India Staff Association (Bihar State) with a view to substantiate their claim examined one witness as WW-1 and also relied on Memoranda of Bipartite Settlements marked as Ext. W-1. Management on the contrary declined to adduce any evidence on their part. But they relied on certain documentary evidence which in course of hearing marked as Exts. M-1 to M-1/5.

Clause 13.39 of the Memorandum of Bipartite Settlements deals with special leave. This clause has clearly mentioned who are entitled to get such special leave. As regards special leave dispute in the instant case has not been cropped up. The grievance of the Bank of India Staff Association, Bihar State is that management is showing discrimination in granting duty leave to the activists to the extent of 10 days to the office bearers and executive committee members of the federation/officer's association/staff union ignoring their claim to enjoy such privilege without assigning any cogent reason. They further submitted that though such privilege previously granted to them, subsequently was withdrawn by the management without assigning any reason. To raise protest against such discriminatory act they raised industrial dispute over the issue in question for conciliation which ultimately resulted reference to this Tribunal for adjudication. The circular relating to grant of duty leave to Office bearers and Executive Committee Members of the Officers' Association and the Staff Union dt. 14-1-87 issued by the Zonal Manager of the management during hearing was marked as Ext. M-1/1. As per this circular the duty leave to Office bearers and Executive Committee members of Officers' Association and Staff Unions are to be considered by Zonal Office in terms of Circular dt. 2-3-72. The circular has pointed out under which occasions number of days per calendar year (exclusive of travelling) will be considered as duty leave. The circular further pointed out that such duty leave will be granted only to the office bearers and executive committee members of the Federation of Officers' Association/Staff union and in the same circular they explained the meaning of federation and regional units. In the circular it has been mentioned as follows :—

"It will not be out of place to clarify here that terms 'Federation' and 'Regional Units' mentioned above refer to such organisations of our Bank, e.g. in case

of Unions affiliated to 'AIBEA' 'Federation' here refers to Federation of Bank of India Staff Unions and its Regional Unit in our Zone is Bank of India Employee's Union Bihar State."

It is the contention of the Bank of India Staff Association that the spirit of the Bipartite Settlement in respect of privilege leave, special leave to office bearers and executive committee members of the unions in the Banking industry do not discriminate between the majority union and the minority union. All the unions have been extended to the same facilities which is very reasonable but it is their allegation that the management has adopted a discriminatory approach and malafidely giving preferential treatment to the union affiliated to AIBEA while ignored to extend this facility in their case. They allege that such gesture of the management is absolutely discriminatory and consequent to this it has affected the working atmosphere of the Bank. They allege further that it is expected that the management should take policy decision impartially without adopting preferential treatment in respect of any particular union. Management on the contrary denying such allegation have made their submission in writing before the ALC(C), Patna in course of hearing of conciliation proceeding which was marked as Ext. M-1/5. In para-2 of the said letter it has been clearly mentioned by the management to the effect "It is once again reiterated that the said Duty Leave subject to maximum of 10 days is allowed to office bearers/executive committee members of the Federation of Bank of India Staff Unions and its regional units which is a majority representative union. It is further clarified that the said leave is different from the entitlement of leave to the employees as mentioned in Chapter 13 of the Bipartite Settlement at industry level which is uniformly extended to all the employees including the members of the Bank of India Staff Association (Bihar State)". This submission, therefore, clearly speaks that Bank of India Staff Association, Bihar State is very much enjoying the special leave as per clause laid down under 13.39 of the Bipartite settlement. Management have refused to grant of duty leave of 10 days to this union taking the plea which has been disclosed in para-3 of the reply given to the ALC(C) Patna marked as Ext. M-1/5. They submitted that the Federation of Bank of India Staff Union is a majority union of the workmen employee in the Bank and as such they are treated separately from other minority unions operating in the Bank viz. (a) The Central Govt. appoints one Director on the Board of the Bank from their nominee, in terms of the provisions of Nationalised Banks (Management and Miscellaneous Provisions Scheme, 1970), (b) They have their nominee on the Central Welfare Committee of the Bank and Sports Control Board of the Bank. The Bank holds Consultative Committee Meetings at Head Office, Zonal Office and Regional Office level with the representatives of the Federation of Bank of India Staff

Unions and its union and (c) All the settlements concerning workmen staff at Bank level are signed between the Management and the Federation of Bank of India Staff Unions. None of the representatives of any of the other unions operating in the Bank enjoy the above facilities. This submission of the management has clearly exposed that as the Federation of Bank of India Staff Union is a majority union they are enjoying certain extra privilege. AIBEA is affiliated to this majority union, naturally management has extended the same facilities to the executive members of this association. The circular marked as Ext. M-1/1 speaks clearly under which circumstances duty leave can be granted to the office bearers and executive committee members of this association. This circular has exposed clearly that in granting such leave it has no connection with the reply given in para-3 to the ALC (C) Patna (Ext. M-1/5). It is to be borne into mind that irrespective of any union whether that union is a majority union or a minority union, it maintains committee which is operated by a number of office bearers and committee members to attend executive committee meeting, annual conference/general body meeting. Need of executive committee members remain same irrespective of any union i.e. whether that union is a majority union or a minority union. As AIBEA is affiliated to Federation of Bank of India Staff Union they will be only entitled to get such privilege of duty leave debaring the other unions as they are minority union affiliated to National Confederation of Bank Employees does not appear to be just and proper if principle of equity and natural justice is followed. It has been specifically mentioned by this association that they are affiliated to National Confederation of Bank Employees who signed Memorandum of Bipartite Settlement dt. 31-10-79. Management did not raise any dispute that this association i.e. Bank of India Staff Association is not affiliated to National Confederation of Bank Employees. National Confederation of Bank Employees fully participated during discussion with the management before Memorandum of settlement was signed by the parties. This national confederation of Bank employees was asked to participate in the talk of settlement by the management as they considered to give importance to their role having representative character for a certain section of employees. When both associations i.e. All India Bank Employees and National Confederation of Bank Employees signed that settlement on behalf of the workmen it is not expected that All India Bank Employees Association will be allowed to enjoy the privilege of duty leave as per circular Ext. M-1/2 ignoring the claim of the associations only taking the ground as laid down in clause (a), (b) and (c) of para-3 of the reply given by them marked as Ext. M-1/5. The circular marked as Ext. M-1/1 has clearly exposed that it was prepared only to give certain special privilege to the office bearers and Executive Committee Members of AIBEA which I consider is absolutely discriminatory not only but it also infringes Articles 14 and 16 of the Constitution

of India, irrespective of the fact whether the union is a majority union or minority union, their main aim is to look after the interest of workmen. They are at liberty to take up issue with the management with a view to give relief to the aggrieved workmen. Therefore, if this aspect is considered the role of Minority union cannot be ignored at all. It should not be the policy of the management to encourage a particular union with a view to dominate other union. In democracy there is no role to ignore the position of a minority class or group to enjoy certain privileges which they are very much entitled to enjoy. Bank of India is a public sector undertaking and has wide range of banking business throughout India. Their policy accordingly is expected to maintain proper administration of justice and the management is expected not to indulge to show any indiscriminatory attitude towards particular union who are minority union. The attitude which the management has exposed by issuing this circular speaks clearly that they do not like existence of this minority union and for which did not consider necessary to grant duty leave to them though under compulsion of the Bipartite Settlement extended special leave to the office bearers of all unions whether they are minority union or majority union. This circular was issued deviating the provision as laid down under clause 13.39 of the Bipartite Settlement by the management as special circumstances to please the majority union which I should say is unfair labour practice as specified in the 5th schedule of the Industrial Disputes Act, 1947. Considering all facts and circumstances discussed above I hold that management illegally and arbitrarily extended their favouritism and partiality to one set of workers who are represented by AIBEA ignoring other set of workers though they are minority represented by the present association affiliated to National Confederation of Bank Employees. I therefore hold that management either should extend privilege of duty leave for 10 days to office bearers of all union irrespective of the majority union or minority union based on the circular they issued or withdraw the circular to show that they are impartial and independent irrespective of all employees working under them.

In the result, the following Award is rendered :—

“The action of management of Bank of India Patna in not providing duty leave to office bearers and Executive Committee Member of Union affiliated to NCBE is not justified as per Bipartite Settlement. Consequently, the office bearers and Executive Committee members of Union affiliated to NCBE are entitled to get duty leave as per Bipartite Settlement and circular”.

The management is directed to implement the Award within three months from the date of its publication in the Gazette of India in the light of the observation made above.

B. BISWAS, Presiding Officer

नई दिल्ली, 24 अक्टूबर, 2005

AWARD

का. आ. 4340.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं.-1, नई दिल्ली के पंचाट (संदर्भ संख्या 33/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-2005 को प्राप्त हुआ था।

[सं. एल.-12012/349/90-आई. आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 24th October, 2005

S.O. 4340.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 33/91) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 21-10-2005.

[No. L-12012/349/90-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI**

Shri S. S. BAL, Presiding Officer

I.D. No. 33/91

In the matter of dispute between :

Sh. Suresh Chandra Sharma, Daftari through
Deputy General Secretary,
Central Bank Employees Congress, (UP) M.A.G.
C-124, Rajaipuram,
Lucknow.

... Workman

Versus

The Regional Manager,
Central Bank of India,
Regional Office, Belaganj,
Agra-282004.

... Management

APPEARANCES : Smt. Shakuntla wife of deceased workman.

Sh. A. Hussain, Law Officer of the management.

The Central Government in the Ministry of Labour vide its Order No. L-12012/349/90-IR (B-II) dated 15-3-91 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Central Bank of India in discharging Shri Suresh Chander Sharma Daftari, Etah Branch w.e.f. 1-11-1985 without notice and compensation is justified? If not, to what relief the workman is entitled to?"

2. Brief facts of this case as culled from record are that a surprise checking of cash was conducted by the Chief Manager Mr. M. R. Sharma at Etah Branch of the respondent on 8-4-83 and he checked the closing cash on that day around 5.30 P.M. The closing balance of cash on 8-4-83 was shown in daily cash balance book/scroll book as Rs. 5,10,939.06 P. However, on physical checking of the cash a shortage of Rs. 910 was detected and one packet of ten rupee notes with 91 pieces was found missing. Detailed investigation in the matter revealed that workman Sh. S. C. Sharma Daftari opened Drawer of Safe for taking out duplicate keys and on investigation he confessed having taken aforesaid packet of Ten Rupee notes in presence of several staff-members of Etah Branch and kept the same secretly beneath some office records and later on returned it. On these facts the workman Sh. S.C. Sharma was suspended and ultimately dismissed vide order dt. 17-10-85 and in appeal the said order of dismissal was modified from order of dismissal of service to order of discharge from service. The workman has impugned the said discharge order in these proceedings on the grounds that he was not supplied the evidence and the principles of natural justice were not observed during the domestic enquiry, Entire enquiry was conducted with the help of the management-witnesses who are under the influence of the management and their evidence was not worth-credence, Sh P. R. Sethi who passed final order dt. 17-10-85 was not competent being Asstt. General Manager and even other wise he was not empowered to pass the order as Sh. P. R. Sethi was not appointed as Disciplinary Authority under the Bipartite Settlement. It is also averred that Sh. N.S.S. Rao has no authority to act as Appellate Authority and discharge order dt. 17-3-86 passed by him is illegal, the entire story of admission of theft by the employee is an imagination of the witnesses of the management. There was no loss to the Bank or gain to the charge-sheeted employee and punishment of discharge was vindictive in nature and inflicted out of high handedness.

3. Case has been contested by the management by filing written statement repudiating the controverted pleas on the ground inter alia that the dismissal order dt. 17-10-85 and discharge order dt. 17-3-86 were passed

by the competent and proper authorities and the same do not suffer from any legal infirmity. There is no violation of the provision of the I.D. Act. The workman was involved in a case of theft and misappropriation and he was dismissed by disciplinary authority after conducting proper enquiry and charge against him was proved during enquiry and discharged by Appellate Authority. The said order of discharge is proper and does not suffer from any illegality.

4. W. S. was followed by rejoinder wherein the workman denied the pleas and contents of the written statement and reiterated the contents of claim statement.

5. Thereafter evidence of the parties was recorded. Management examined Sh. B.D. Malhotra, Regional Manager in evidence as MW1 while the workman examined himself as WW1. Both MW1 and WW1 were cross-examined by respective A/Rs of the parties.

6. The workman expired during the pendency of this case after recording of evidence and his legal heirs namely Smt. Shakuntla wife aged about 45 years, Pradeep Kumar aged about 20 years and Preeti Sharma daughter aged 23 years C/o Mr. Prem Kumar Shukla, Mohalla Jat Jai Ram, Gali Palledar Ki, Kesganj, Distt. Etah (UP) were impleaded and brought on record.

7. I have heard Smt. Shakuntla wife of deceased workman and Shri A. Hussain, Law Officer for the management. Perusal of record shows that the workman was charge-sheeted for gross misconduct for having stolen and misappropriated Rs. 910 by enquiry officer and during enquiry charge was established against him and he was awarded punishment of dismissal from service by disciplinary authority Shri P. R. Sethi Regional Manager vide order dated 19-6-85 and the charge-sheeted employee/workman preferred appeal wherein punishment was reduced to discharge vide order dated 12-3-86 by Appellate Authority N.S.S. Rao.

8. It is contended that the enquiry was not conducted fairly and the disciplinary authority was not competent to award punishment as he was elevated to the post of A.G.M. while disciplinary authority and under the rules Regional Manager is only competent to act as disciplinary authority and the Appellate Authority was not competent. Perusal of the proceedings shows that the enquiry was conducted by enquiry officer Sh. S. B. Sabherwal, Branch Manager and that the workman was represented by defence representative Sh. R. P. Singh staff, Central Bank of India, Lucknow. He was authorised to act as defence representative on behalf of the workman and he participated in the enquiry. During enquiry witnesses namely Sh. A. P. Chaturvedi and Sh. M. R. Sharma were examined and cross-examined. In my view the enquiry was conducted properly and does not suffer from any infirmity. It is contended by the workman that Sh. P. R. Sethi was not competent to act as Enquiry Officer, as he was elevated

to the senior post of A.G.M. Competent Authority to act as Disciplinary Authority in the instant case is Regional Manager. The case of the management is that Mr. P. R. Sethi was Regional Manager at the time when punishment was inflicted. Even otherwise the post of A.G.M. is higher to that of Regional Manager and in my view a person appointed at a higher/superior post to the post of Regional Manager is also competent to act as Disciplinary Authority and the plea of the workman raised in this regard has got no force. It is also contended on behalf of the workman that the order of discharge is bad in law as the same is in violation of the provisions contained in I.D. Act as no notice or notice pay or compensation in lieu of notice was given to the workman but this plea of the workman admittedly has no force. In view of the above discussion it emerges that the proper enquiry was conducted against the workman. He was given due opportunity to defend himself and the charges against him were proved and he was awarded punishment of dismissal by the enquiry officer and in appeal the appellate authority also upheld the charges but awarded punishment of discharge instead of dismissal. The discharge order not suffer from any legal infirmity. The workman was employed as Daftri when he committed theft and stole amount of Rs. 910 which is highly unbecoming of an employee and punishment of discharge awarded to him in appeal is apt and proper and does not suffer from any illegality. The question of compliance of provision of Section 25-F of the I.D. Act pertaining to giving notice or payment of compensation in lieu of notice arises when services of the concerned workman are terminated on the ground other than misconduct. In the instant case the services of the workman were discharged/dispensed with on account of misconduct arising from the commission of theft of money by him after conducting proper enquiry and giving him an opportunity of being heard. Therefore, the formality of notice or payment of retrenchment compensation is not required to be observed. In saying so I am re-enforced with the decision reported in Supreme Court AIR 2004, 4757 State of Punjab Vs. Jagir Singh, wherein it was held that if the services of the workman were terminated for misconduct the question of payment of any retrenchment compensation or service of any notice would not arise. Question of compliance of the provisions of Section 25-F of the I.D. Act would arise only if the services of concerned workman were terminated on the ground/s other than misconduct. Hence I find no force in the contention of workman and the same are accordingly repelled.

9. In view of above discussions I am of the view that the action of the department in discharging Shri S. C. Sharma, Daftri vide order dated 17-10-85 does not suffer from any legal infirmity and he is not entitled to any relief. The reference is answered. Award is passed accordingly. File be consigned to record room.

Dated: 07-09-2005

S. S. BAL, Presiding Officer

नई दिल्ली, 25 अक्टूबर, 2005

का.आ. 4341.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्थ मालाबार ग्रामीण बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, कोझीकोडे, केरल स्टेट के पंचाट [संदर्भ संख्या आई डी (सी)-2/03] को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-10-2005 को प्राप्त हुआ था।

[सं. एल.-12012/212/2002-आई. आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 25th October, 2005

S.O. 4341.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award [I.D. (C) No. 2/03] of the Labour Court, Kozhikode, Kerala State now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of North Malabar Gramin Bank and their workman, which was received by the Central Government on 24-10-2005.

[No. L-12012/212/2002-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE LABOUR COURT, KOZHIKODE, KERALA STATE

Dated the 29th day of September, 2005

PRESENT:

SHRI K. BALASUBRAMANIAN, B. Com., LL.B.,
Presiding Officer.

I.D. (C) No. 2/03

BETWEEN:

The Chairman,
North Malabar Gramin Bank,
Head Office,
Kannur

... Management

AND

M. P. Janardhanan,
Mullol House,
Eruvassi, P.O.
Kannur

... Workman

REPRESENTATIONS:

Sri M. Asokan, Advocate, Calicut : For Management

Sri P. S. Marali, Advocate, Calicut : For Workman

AWARD

The worker involved in the dispute was working as messenger in the Management-Bank. He was charge

sheeted on the allegation of mis-appropriation of funds of a customer and making fictitious entries in her pass-book. In the domestic enquiry held the worker was found guilty of the charges. Accepting the finding of guilt and considering the gravity of misdemeanour committed, worker was dismissed from service by way of punishment. The industrial dispute raised by the worker was eventually referred to this Court to adjudicate the justifiability and proportionality of punishment imposed on the workman and to pass the further reliefs.

2. For a proper appreciation of factual aspects, it will be worthwhile to understand the history of charges.

3. One Miss Daisy Joseph had availed an agricultural loan from the Eruvassi branch of the Management Bank where the worker was working as a messenger. Daisy Joseph was a handicapped lady. She was operating an S.T.D. booth in the downstairs of the building where the Bank was located. According to the management, on 1-8-2000 Daisy Joseph entrusted Rs. 4,000 along with Ext. MEX 4 remittance card with the worker with a request to remit the amount in her Krishi card loan account. The worker returned the card to the customer on the same day evening. The card also contended a credit entry evidencing the remittance. Subsequently on 2-9-2000 when the customer went to the Bank for further remittance, she found out that the worker had not remitted the cash entrusted with him and the credit entry in the card is fictitious. On 4-9-2000 she lodged Ext. MEX 8 complaint with the Bank. The explanation of the worker was obtained. On the very next day the worker submitted Ext. MEX 9 reply confessing the guilt and expressing repentance over his misdeeds. Simultaneously the Branch Manager forwarded Ext. MEX 8 report regarding the incident to the Chairman through the Area Manager. The Area Manager conducted a preliminary investigation and forwarded a detailed report to the Chairman. Matters being so, on 6-9-2000, Miss Daisy Joseph filed Ext. MEX 14 letter before the Manager withdrawing her earlier complaint. In the said letter she had also maintained that the worker has repaid Rs. 4,025, the amount entrusted together with Rs. 25 as interest. Ignoring Ext. MEX 14, the Management Bank decided to proceed with further action after placing the worker under suspension pending enquiry and accordingly enquiry was held. The worker was represented by a union representative in the enquiry. After considering the oral testimonies of MW1 to 4, that of the worker and documentary evidence Exts. MEX 1 to 16 and Ext. DX 1 and 2 the impugned findings were entered. On appearance, both sides filed their respective statements.

4. In the claim statement and rejoinder worker attacks the propriety and fairness of the enquiry conducted into the charges. According to him the Enquiry Officer was biased, he was denied reasonable opportunity to

adduce evidence, since the enquiry was conducted in English language unknown to the delinquent, he was not able to properly understand the evidence of the witnesses recorded and effectively cross examine the witnesses. This practice was adopted to deliberately avoid stringent cross-examination from the side of the worker and to help the management. Finding of guilt was entered without proper evidence and the enquiry report is liable to be set aside due to procedural irregularities, non-compliance of principles of natural justice and lack of evidence. It is further contended that the punishment imposed was grossly dis-proportionate to the proved charges. Therefore the worker prays to set aside the enquiry and punishment imposed on him and to reinstate him in service with backwages and continuity of service.

5. In the rejoinder attack was mainly focussed on mis-appreciation of evidence done by the Enquiry Officer and dearth of evidence to support the charges.

6. Supporting the legality and validity of the enquiry management contends that the enquiry was conducted impartially and in full conformity with the principles of natural justice. In the enquiry the worker was represented by a representative of his choice who is a senior employee of the Bank well versed in the enquiry proceedings. The worker and the representative fully participated in the enquiry without any demur. The finding of guilt was entered mainly on the basis of sixteen documents exhibited from the management side and the oral evidence of the parties and witnesses. The findings are supported by factual and legal evidence. The punishment is also proportionate to the charges proved.

7. The evidence consists of the oral evidence of MW1 and WW1 and documentary evidence Exts. M1 and M1(a). At the outset it was contended by the management that the scope of reference is liable to be limited to the issue of proportionality of punishment aspect alone.

8. Both sides have proceeded on the assumption that the reference covers the issue of adjudication of the propriety and validity of the enquiry as well. The consideration of the aspect of misconduct as is implicit in the reference, the same being an ancillary issue and to avoid a second round of litigation, all the issues are thrashed out together.

9. The points for consideration are :—

- (1) Whether the enquiry was fairly and properly conducted in accordance with law ?
- (2) Whether the charges levelled against the worker are proved by adequate evidence ?
- (3) Whether the enquiry is vitiated on any grounds ?
- (4) Whether or not the impugned punishment was just and proper ?

10. **Points 1 to 3 :—**The domestic enquiry into the charges was conducted by a Senior Manager of the Management-Bank who was examined as MW1. He has given evidence that both parties participated in the enquiry without any demur and without rising any protest. The Enquiry Officer also deposed in extenso about the procedure followed in the enquiry. Enquiry file was marked as Ext. M1 and report as Ext. M1 (a) through MW1. The worker entered the box and while examined as WW1 attacked the correctness of the proceedings of enquiry and of the conclusions entered by the Enquiry Officer on several grounds. Inter alia main grievance seems to be that since the statements of witnesses were recorded in English language unknown to him, the worker was not able to understand the true meaning and spirit of statements in their proper sense and was considerably prejudiced, that Ext. DEX (1) letter was not properly considered and evaluated, that evidence was mis-read and mis-appropriated by the Enquiry Officer and that he was denied of sufficient opportunity to meet the charges.

11. As could be seen from the materials on record, the worker was represented by a representative of his choice in the enquiry. Enquiry proceeding and depositions are seen recorded in English language. It was suggested from the management side that the delinquent representative was a Trade Union leader, conversant with the enquiry proceedings and proficient in English language. The witnesses are seen cross examined in English. Presumably to bye-pass this inconvenient situation the worker stated that it is only the translated version of Malayalam language recorded by the Enquiry Officer. At any rate, the worker was not able to establish by adducing cogent evidence that the enquiry was not conducted in accordance with the established norms of law, coming to evidence.

12. Receipt of Rs. 4,000 from Miss Daisy Joseph by the worker is not very much in dispute. The parties are at serious variance over the date of entrustment. According to the worker cash was entrusted only in the evening of 1-9-2000 whereas according to the management it was on 1-8-2000. Exts. MEX 3 and 5 to 7 coupled with the evidence of MW1 and MW2, the then clerk in charge and the then Branch Manager would show that there was no remittance of Rs. 4,000 in the account of Daisy Joseph in the Bank as entered in Ext. MEX 4 entry in the Krishi card. MW3 and MW4 are seen stated they met Miss Daisy Joseph along with Area Manager, Talikpparamba and Miss Daisy Joseph had told the entire incident in tune with her complaint. MW4 identified Ex. MEX 15 investigation report. All the previous remittances are of round figure. Whereas this particular remittance alone is of a split up amount. This tallies with the case of management that Rs. 25 represents interest for the belated remittance. There can't be any ambiguity in the month of entrustment as is clearly given in words in Ext. M8. The above facts are also seen admitted

in Ext. MEX 9 statement given by the worker to the Area Manager. MW1 deposed as told by Miss Daisy Joseph that the entrustment of amount was on 1-8-2000. MW2 testified that the entry in Ext. MEX 4 card was not made in the usual course of business. Further all the witnesses stated that the worker admitted the guilt in the staff meeting. What is stated in Ext. MEX 16 representation given by the worker to the Chairman of the Bank is that the worker forgot to remit the cash 'for a few days'. This is another circumstance to doubt the version of the worker regarding the date of entrustment. It is stated in Ext. MEX 16 that the worker forgot to remit the cash due to the sudden illness of his mother. What is stated in evidence is his personal illness, an altogether different story. So the oral testimonies coupled with documentary evidence would establish that the worker received Rs. 4,000 from the customer for remitting in her account on 1-8-2000, that he failed to remit the amount without any cogent reason or explanation and committed temporary misappropriation. No doubt, the complaint was subsequently withdrawn by the worker after receiving the amount. But that cannot be a consolation for the dishonesty committed. The circumstances would also indicate that the author of the disputed entry in Ext. MEX 4 is none other than the worker.

13. The learned counsel for the worker Sri P.S. Murali vehemently contended that the prosecution case will fall to the ground in view of Ext. DEX 1 and DEX 2. Based on the testimony of MW1 it was further contended that Ext. MEX 9 is tainted on account of coercion, that Ext. MEX 8 complaint has not been properly proved and the same cannot be acted upon in view of Ext. MEX 14 withdrawal, that the non-examination of the Miss Daisy Joseph is fatal to the prosecution case and that the punishment is grossly disproportionate to the misdemeanour committed. It was also contended that the receipt of amount from Daisy Joseph was only part of voluntarily service unconnected with the employment of the worker.

14. Ext. DEX 1 is a subsequent representation allegedly sent by Miss. Daisy Joseph to the Chairman of the Bank stating that she made the disputed entry in the pass book and that the date was mistakenly noted. Ext. DEX 2 is the carbon copy of the letter sent by the worker to the Area Manager expressing repentance.

15. Ext. DEX 1 was not properly identified. That apart, the statement in Ext. DEX 1 when scrutinised in the light of other evidence would show it is nothing but a subsequent innovation of the worker to wristle out of the situation. The customer Miss Daisy Joseph is also not likely to loose anything as she was recompensed. MW4 has identified and confirmed the authenticity of Ext. MEX 9. There is nothing to show that Ext. DEX 2 has reached the hands of MW4. The evidence of MW1 in this regard cannot be given much weight as is based on the information of the worker. There is absolutely no evidence

to show that Ext. MEX 9 is tainted on any grounds. Ext. MEX 8 has been properly proved by MWs 1 and 4. Non-examination of Daisy Joseph is not at all fatal in view of sequence of events and admission of guilt by the worker. The act done has also rational connection with employment. So none of the arguments do hold good.

16. On a careful consideration of the evidence and circumstances, I hold that the management has succeeded in establishing that the enquiry was fairly and properly conducted in accordance with law, that the charge of misconduct stands proved by cogent and acceptable evidence and the enquiry is not vitiated on any grounds.

17. Point No. 4 :—The worker was a sub-staff working in the management-Bank. He has committed act of dishonesty and fraud by attempting to swindle the funds of a customer who reposed trust on him atleast for a temporary period. Fortunately fraud was noticed at the initial stage. In this case not only that the worker tried to misappropriate the funds to his advantage, he further made an ingenious attempt to cover up the fraud by making fictitious entry in the pass book of the customer. The management being a banking company cannot afford to retain such unreliable and disloyal workers. The fact that the worker had an unblemished long service do not justify any lesser punishment. The fact that the Bank has not suffered any monetary loss is also not a good defence as his conduct does no longer reflects trustworthiness. Taking into considerations of all these aspects, I find that the punishment imposed on the workman is just and proportionate with the misdemeanour committed. Therefore, the punishment is only to be upheld.

18. In the result, an award is passed holding that the impugned punishment of dismissal imposed on the worker, Sri M. P. Janardhanan, by the management is just and proportionate to the misconduct. So no further reliefs are liable to be granted in favour of the worker.

Dictated to the Confidential Assistant, transcribed by her, revised, corrected and passed by me on the 29th day of September, 2005.

K. BALASUBRAMANIAN, Presiding Officer

APPENDIX

Witnesses examined from the side of the Workman :—

WW1 ... M. P. Janardhanan.

Witnesses examined from the side of the Management :—

MW1 ... C. V. Dhananjayan.

Documents marked from the side of the Workman :—

NIL

Documents marked from the side of the Management :—

Ext. M1 ... Enquiry File.

Ext. M1(a) ... Enquiry Report.

आदेश

नई दिल्ली, 25 अक्टूबर, 2005

का. आ. 4342.—जबकि केन्द्रीय सरकार की यह राय है कि प्रमुख पत्तनों के प्रबंधन और उनके कर्मचारों के बीच एक औद्योगिक विवाद मौजूद है;

और जबकि केन्द्रीय सरकार का यह मत है कि यह विवाद राष्ट्रीय महत्व से जुड़ा है और उक्त विवाद का न्यायनिर्णयन एक राष्ट्रीय अधिकरण द्वारा किया जाना चाहिए;

और जबकि केन्द्रीय सरकार ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7 ख द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्रम मंत्रालय के दिनांक 4-8-2003 के आदेश संख्या एल-39011/6/2002-आई आर (एम) के द्वारा एक राष्ट्रीय औद्योगिक अधिकरण का गठन किया था जिसका मुख्यालय मुंबई में था और औद्योगिक अधिकरण-सह-श्रम न्यायालय, संख्या I, मुंबई के पीठासीन अधिकारी न्यायमूर्ति एस. सी. पाण्डेय को उक्त राष्ट्रीय अधिकरण के पीठासीन अधिकारी के रूप में नियुक्त किया था और उक्त विवाद को न्यायनिर्णयन के लिए राष्ट्रीय औद्योगिक अधिकरण को निर्दिष्ट किया था;

और जबकि न्यायमूर्ति एस. सी. पाण्डेय ने 8-9-2004 को उपर्युक्त राष्ट्रीय औद्योगिक अधिकरण का कार्यभार छोड़ दिया है;

अतः, अब एक राष्ट्रीय औद्योगिक अधिकरण को पुनर्गठित किया जाता है जिसका मुख्यालय मुंबई में होगा और इसके पीठासीन अधिकारी न्यायमूर्ति श्री घनश्याम दास होंगे तथा उपर्युक्त विवाद को उक्त राष्ट्रीय औद्योगिक अधिकरण को इस निदेश के साथ न्यायनिर्णयन हेतु संदर्भित किया जाता है कि न्यायमूर्ति श्री घनश्याम दास इस मामले में कानून के अनुसार उस अवस्था से आगे कार्यवाई करेंगे जिस पर इसे न्यायमूर्ति श्री एस. सी. पाण्डेय ने छोड़ा था।

[संख्या एल.-39011/6/2002-आई आर (एम)
सी. गंगाधरण, अवर सचिव]

ORDER

New Delhi, the 25th October, 2005

S.O. 4342.—Whereas the Central Government was of the opinion that an industrial dispute exists between the managements of Major Ports and their workmen;

And whereas the Central Government was of the opinion that the above dispute involved question of national importance and should be adjudicated by a National Industrial Tribunal;

And whereas, the Central Government, in exercise of the powers conferred by Section 7B of the ID Act, 1947 (14 of 1947) constituted a National Industrial Tribunal vide Ministry of Labour & Employment Order No. L-39011/6/2002-IR(M) dated 4-8-2003 with headquarters at Mumbai and appointed Justice S. C. Pandey, Presiding Officer,

Central Government Industrial Tribunal-cum-Labour Court-I, Mumbai as the Presiding Officer of the said National Tribunal, and in exercise of the powers conferred by Sub-Section (I-A) of Section 10 of the said Act, referred the said industrial dispute to the said National Industrial Tribunal for adjudication;

And whereas Justice S. C. Pandey relinquished charge of the above said National Industrial Tribunal on 8-9-2004;

Now therefore, a National Industrial Tribunal is re-constituted with headquarters at Mumbai with Justice Ghanshyam Dass as its Presiding Officer and the above said dispute is referred to the said National Industrial Tribunal for adjudication with the direction that Justice Ghanshyam Dass shall proceed in the matter from the stage at which it was left by Justice S. C. Pandey and dispose of the same according to law.

[No. L-39011/6/2002-IR(M)]
C. GANGADHARAN, Under Secy.

नई दिल्ली, 25 अक्टूबर, 2005

का. आ. 4343.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या आई डी - 117/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-10-2005 को प्राप्त हुआ था।

[सं. एल.-12011/64/2001-आई. आर. (बी-1)
अजय कुमार, डैस्क अधिकारी]

New Delhi, the 25th October, 2005

S.O. 4343.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 117/2002) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 24-10-2005.

[No. L-12011/64/2001-IR (B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW****PRESENT:**

Shrikant Shukla, Presiding Officer

I.D. No. 117/2002

Ref. No. L-12011/64/2001-IR (B-I) dt. 28-06-02

BETWEEN

Sri Udaiveer Singh Pawar & Others
C/o Sri Rahul Vali, Adikrith Prathinidhi,
16-A, Rajpur Road, Dehradun

AND

1. The Chief General Manager
State Bank of India,
Local Head Office,
New Delhi-12
2. The Dy. General Manager,
State Bank of India
52, Rajpur Road, Dehradun

AWARD

The Government of India, Ministry of Labour, New Delhi vide order No. L-12011/64/2001-IR (B-I) dated 28-6-02 referred the following dispute to Presiding Officer, CGIT-cum-Labour Court, Lucknow for adjudication :

“क्या प्रबन्धन स्टेट बैंक आफ इण्डिया द्वारा 12 कर्मकारों को जिनके नाम अभ्यावेदन में दिये गये हैं, को नियुक्ति की तिथि से एक साल बाद नियमित न करना न्यायोचित है। यदि नहीं तो, सम्बन्धित कर्मकार किस अनुतोष के अधिकारी हैं ?”

The present reference involves following persons :

1. Udaiveer Singh Pawar S/o Prem Singh Pawar
2. Lalta Prasad S/o Khimanand Prasad
3. Taj Ahmad S/o Fariyad Ahmad
4. Rajendra S/o Hariya Singh
5. Surendra Singh Negi S/o Sultan Singh
6. Arvind S/o Ratan Singh
7. Manoj Kumar S/o Sohan Das
8. Satya Prakash S/o Govind Ram
9. Ashok Kumar S/o Gyan Singh
10. Tara Chand S/o Alam Singh
11. B. S. Bisth S/o R. S. Bisth
12. Smt. Meena Thapa D/o Alok Thapa

Although the reference from the Govt. of India was received on 9-7-02 and the copy of the reference was endorsed to Sri Udaiveer Singh and others but workers did not file the statement of claim till 23-9-2003. On 23-9-03 the 5 persons out of 12 filed statement of claim with the plea that they representing the interest of all 12 and accordingly Udaiveer Singh, Lalta Prasad, Taj Ahmad, Rajendra Singh & Surendra Singh Negi filed the statement of claim alleging therein that the bank management

appointed the workers on different places and on different dates. The allegations of the workers are that all the workers were involved for preparation of breakfast, carrying the messages from one place to another, maintenance of record room and for execution of the work of water boy. Though the nature of work was the same as that of regular employees even then workers were not paid the same wages and other benefits. The workers raised the demand for regularisation and the same was recommended too but no action was taken by the management to regularise the workers. It is alleged that the workers are being paid less wages and are compelled to work overtime without any wages. It is also alleged that canteen have been arranged in the bank premises which has controlled by Branch Manager and the branch manager exercised controlled over the canteen activities and the expenses subsidised. The representative of the worker have therefore been prayed that all the workers be regularised in the regular service of the State Bank of India and the opposite party be directed to provide all consequential benefits to the workers.

The opposite party has filed written statement denying the claim of the workman and have alleged that all the 12 persons were employed as Canteen Boy Local Implementation committee at each branch. It is also submitted that all these 12 persons were never recruited by the State Bank of India. It is further submitted that there is well-established system of the recruitment in the bank for the recruitment of the bank employees. The present workers were never recruited through recruitment process. The branch manager under the recruitment regulations has no authority to recruit any persons in State Bank of India. If the present type of recruitments are taken as recruitment in State Bank of India then it shall open back door illegal recruitments in public employment which shall be violation of Article 14 and 16 of Constitution of India. The running of the canteens in the respective branches is not done by the bank management. On the other hand the running, administration and control over the respective canteen is within pervue of the respective Local Implementation Committee. It is submitted that as the matter of fact the persons have been engaged by the local implementation committee as canteen boy at various/ different branches. As one of its staff welfare activities, the bank subsidises the cost of running of the canteen at most of its branches. These canteens are run by local implementation committee consisting of members of the staff at the branch concerned. The local implementation committee looks after all affairs of such canteens including engagement of canteen boys and payment of salaries to them as they deemed fit. The bank is in no way connected with the management of these canteens including the engagement or removal of the canteen boys which is done by local implementation committee itself. It is further submitted that as per settled legal positions and as also upheld by the Hon'ble Supreme Court from time to time.

the canteen boys of the Local Implementation Committee run canteens are not and can not be treated as the employees of the opposite party bank. The canteens run by the Local Implementation committee are non statutory, non recognised canteens and the canteen boys of such canteens are not the employees of the bank and are not under the control of the bank. Their engagement, conditions of engagement are not governed by any rule of the opposite party bank. None of the workmen are workmen within the definition under section 2 of I.D. Act, 1947 vis-a-vis of the opposite party bank and these persons are not workmen of the bank and hence these persons can not invoke and the workers are not amenable to the provisions of I.D. Act, 1947. Accordingly the present order of reference under section 10 of I.D. Act. is legally not maintainable and not sustainable as far as the opposite party is concerned as none of the workmen are amenable to the provisions of the I.D. Act, 47. It has been alleged that the claim of so called workmen are frivolous, and should be rejected and the reference be decided in favour of the opposite party.

Since the workers did not turn up therefore the case proceed ex parte against the workman on 9-3-05.

The management of the bank has examined Sri Sharad Garg, Chief Manager, State Bank of India, Zonal Office, Uttaranchal.

Heard argument of the opposite and perused evidence on records.

The opposite party has argued that none of the workers involved in the present one employees of the bank. Instead they are canteen boy working in canteens managed by Local Implementation Committee of various branches. It is also argued that the bank management has not appointed any of these persons on whose behalf the statement of claim has been filed. It has been argued on behalf of the opposite party that the lowest cadre in the bank is subordinate staff which includes peons, messengers etc. He has also argued that the appointing authority of the subordinate staff is Asstt. General Manager and none of the employees appearing in the present case have been appointed by the Asstt. General Manager of the Bank. Opposite party has also argued that the bank is a public sector bank and has definite rules of recruitment and for such recruitments rules are as follows:

1. Vacancy have to be advertised
2. Names have to be called for from Employment Exchange.
3. The candidates who qualified for appointment in the subordinate post have to be listed out.

4. Selection committee is to be formed.
5. Interview is held.
6. Panel of successful candidates are prepared.
7. The appointment offer are sent calling for acceptance.
8. Candidates who accept the offer are issued appointment letters.

Opposite party has argued that the workers in the present case have not been appointed through above recruitment process and they want to be given back door entry in the bank by invoking jurisdiction of this court.

Opposite party representative have argued that there is no relationship of employer and employee between State Bank of India and any of the workers and hence reference order is not legally maintainable.

The Chief Manager of the State Bank of India has proved by the oral statement of oath that none of these persons have been appointed by the management of State Bank of India. He has also proved that all these workers are canteen boys of different canteens under Local Implementation Committee and they are appointed by the President of the Local Implementation Committee.

The opposite party has also put forward this argument that if at all they had any grievance they must have brought the case against the management of Local Implementation Committee and certainly they can not claim their regularisation against the State Bank of India. The case law cited by the representative of the opposite party is that of Supreme Court [2000 (85) FLR 653] between State Bank of India and others and State Bank of India Canteen Employees Union and others. The Hon'ble Supreme Court has held that the employees of the canteens which are run at various branches of the State Bank of India by the Local Implementation Committee would not be employees of the State Bank of India. In the light of above citation it is made out that the canteen boys and the canteens run by the local implementation committee are not the employees of the State Bank of India and therefore there is no relationship of employer and employee between State Bank of India and any of the workers. In the circumstances none of the workers entitled for regularisation in State Bank of India. The issue is therefore decided against the workers and further I come to the conclusion none of the workers entitled to any relief.

Lucknow
13-10-2005

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 25 अक्टूबर, 2005

का. आ. 4344.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्दन रेलवे के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या आई डी-83/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-10-2005 को प्राप्त हुआ था।

[सं. एल.-41012/9/2004-आई. आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 25th October, 2005

S. O. 4344.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 83/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on 24-10-2005.

[No. L-41012/9/2004-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT:

Shrikant Shukla—Presiding Officer

I. D. No. 83/2004

REFERENCE NO. L-41012/9/2004-IR(B-I)

Dated 7-6-2004

BETWEEN:

The Divisional Secretary, Uttar Railway Karamchhari Union, 39-11, Multistory Railway Colony, Lucknow

(In the matter of Charan Dutt)

AND

The Senior Divisional Personnel Officer, Northern Railway D.R.M. Office, Hazratganj, Lucknow

AWARD

The Government of India, Ministry of Labour, vide their order No. L-41012/9/2004-IR(B-I) dated 7-6-2004 has referred following dispute for adjudication to the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Lucknow for adjudication.

“क्या उत्तर रेलवे, लखनऊ द्वारा कर्मकार श्री चरनदत्त टालीमैन को वेतनमान रुपया 2610-3540 में पदोन्नति उस तिथि से नहीं

दिया जाना जिस तिथि से उससे कनिष्ठ श्री रविन्द्र कुमार को दिया गया है उचित एवं न्यायसंगत है? यदि नहीं तो कर्मकार किस अनुतोष को पाने का अधिकारी है?”

Worker's case in brief is that he was appointed as Khallasi on 10-5-80 under PW1 construction III Northern Railway, Lucknow. The worker was screened and regularised by forming Panel No. 217/225 and his name is placed at S. No. 88 of annexure-I. It is alleged that Ravindra Kumar who appears in Panel No. 234/242 at S.No. 96 in Seniority list, annexure No. 1. It is alleged that Charan Dutt is senior to Ravindra Kumar and others. It is alleged that Ravindra Kumar has been promoted in Grade of Rs. 2610-3540 whereas the workman Charan Dutt is still in Grade of Rs. 2550-3200. It is stated that Charan Dutt is entitled to be promoted in grade of Rs. 2610-3540 w.e.f. 1-1-96 the date from when his junior Shri Ravindra Kumar and other trolley men in similarly situated condition have been promoted. It has therefore, been prayed that the workman Shri Charan Dutt, Trolley man may be held entitled for promotion in Grade 2610-3540 w.e.f. the date Ravindra Kumar has been promoted. It is also prayed that Charan Dutt be given all consequential benefits including stepping up of his pay equal to Ravindra Kumar.

The opposite has filed the letter of authority of Shri S.R. Yadav but he has not filed any written statement.

Today is the date fixed for evidence but the parties have not turned up.

The worker was to prove by its oral and documentary evidence that he was senior to Ravindra Kumar and others. The worker has not stated that Sh. Ravindra Kumar was appointed after 10-5-80 by the employers. There is no evidence on record to show that Ravindra Kumar was promoted w.e.f. 1-1-96. The worker was to prove his allegation of his statement of claim but he has failed to do so with the result the reference is decided against the worker and the worker is not entitled to any relief.

Lucknow

10-10-2005

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 25 अक्टूबर, 2005

का. आ. 4345.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या आई डी-88/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-10-2005 को प्राप्त हुआ था।

[सं. एल.-12011/63/2001-आई. आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 25th October, 2005

S. O. 4345.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 88/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow now as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 24-10-2005.

[No. L-12011/63/2001-IR(B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT:

Shrikant Shukla—Presiding Officer

I. D. No. 88/2002

Reference No. L-12011/63/2001-IR(B-I)

Dated 26-4-2002

BETWEEN:

Shri Udaiveer Singh Panwar & Others C/o Rahul Wali
Adikrith Pratinidhir, 16-A, Rajpur Road, Dehradun.

AND

1. The Chief General Manager, State Bank of India, Local Head Office, New Delhi.
2. The Dy. General Manager, State Bank of India, 52, Rajpur Road, Dehradun.

AWARD

The Government of India, Ministry of Labour, vide their order No. L-12011/63/2001-IR(B-I) dated 26-4-2002 has referred following dispute for adjudication to the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Lucknow for adjudication.

“क्या प्रबंधन स्टेट बैंक ऑफ इंडिया द्वारा 12 कर्मकारों (जिनके नाम अभ्यावे में दिए गए हैं) को नियुक्ति तिथि से एक साल बाद भी नियमित न करना न्यायोचित है? यदि नहीं तो संबंधित कर्मकार किस अनुतोष के अधिकारी हैं?”

The case includes following workers:

1. Sh. Mahendra Singh Negi S/o Sh. Kushal Singh Negi
2. Sh. Ram Bahadur S/o Sh. Dashrath Thapa
3. Sh. Darshan Lal S/o Indra Dutt Kothari
4. Sh. Pradeep Singh Rawat S/o Sh. Bharat Singh Rawat
5. Sh. Kamal Singh Negi S/o Sh. Bhopal Singh
6. Sh. Dinesh S/o Sh. Loda Singh

7. Sh. Surendra S/o Sh. Ras Saran
8. Sh. Panna Lal Tiwari S/o Sh. Ratan Mani Tiwari
9. Sonu Thapa S/o Sh. Dil Bahadur Thapa
10. Sh. Bharat Singh Rana S/o Sh. Pratap Singh Rana
11. Sh. Hari Ram S/o Parmanand Mamgai
12. Sh. Jitendra Kumar S/o Mohan Lal

The order of reference from the Government of India was received in office of the CGIT-cum-Labour Court, Lucknow on 13-5-2002. The copy of order was endorsed to Udaiveer Singh and others, but they did not file the statement of claim. Ultimately, court ordered to issue registered notices. Workers did not come forward with their statement of claim, therefore on 23-7-2003 the opposite party was directed to give their written statement in writing as to why the 12 workers mentioned in the reference order have not been regularised. The opposite party was further directed to send its written statement to workers by the registered post.

On 15-3-2004 the opposite party filed its written statement and the postal receipts. In spite of the fact that the opposite party sent copy of written statement to workers by registered post, the workers did not come forward with their statement of claim or rejoinder. On 20-8-2004, Sh. M. S. Bhandari, advocate of the workers moved application D-30 for adjournment on which an order was passed as follows:

“Heard. Workers are not turning up. Employer has filed their written statement. Workers did not file statement of claim nor filed reply to the written statement filed by the employer. There was ample time to construct the file, but the worker did not act in time.

However, if the workers want to contest the case and want the adjudication on merit, they can file their claim by replying WS, along with documents on 22-9-2004 after paying Rs. 250 as cost to opposite party.

Accordingly application is disposed of.”

The workers did not comply the order as stated above and therefore, Sh. M. S. Bhandari moved applications C-31 for withdrawing the authority and therefore, 2-12-2004 was fixed for evidence. Thereafter another dated 27-12-2004 was fixed for hearing and the case was adjourned to 15-2-2005. Workers did not turn up on 15-2-2005 and the next date was fixed was 18-2-2005. Workers again absented on 18-2-2005 and therefore, 9-3-2005 was the date fixed. The case was ordered to proceed ex-parte against workers on 9-3-2005.

The opposite party has examined Sh. Sharad Garg, Chief Manager.

Heard the representative of the opposite party and perused the evidence on record.

The representative of the opposite party has argued that the workers were canteen boy of Local Implementation Committee of different branches of the State Bank of India. It is also argued by the representative of the opposite party that the State Bank of India has its own set of recruitment rules. The Rules provide the following procedure :

1. Vacancies to be notified by publication.
2. Calling of the names from the Employment Exchange.
3. Formation of Selection Committee.
4. Selection of candidates whose applications/ names are received on the basis of qualification, age etc.
5. Fixing a date of interview and calling for interview.
6. Preparation of list of selected candidates.
7. Issuing of the offer of appointment and calling for acceptance.
8. In the event of receipt of acceptance, issuing of order of appointment.
9. Employing the subordinate staff after necessary check up by medical officer of the Bank.

Shri Garg has argued that there is no post of canteen boy/peon in the Bank. Further is submitted by him that none of the candidate have gone through the procedure mentioned above and the names of the worker shown in the list attached to the reference order are not employees of the Bank. He has further argued that in fact workers shown in the list were canteen boy of the Local Implementation Committee of different branches of the bank and it is the president of the Local Implementation Committee who actually recruits and removes the canteen boys and the bank management has no role to play in the activity of the president of the Local Implementation Committee. He has argued that there are various welfare schemes for the employees of the Bank and one of the activities is to provide subsidy to Local Implementation Committee to run the canteen for refreshment of its employees. Ordinarily branch manager of the branch is its ex-officio President of canteen, which regulates activity of such canteen boys. State Bank management has no role to play in having of canteen boys for running the canteen and at the same time the management of the bank has no control over the canteen boys or the Local Implementation Committee.

Shri Garg has argued that appointing authority of subordinate staff such as peon etc. is Assistant General Manager and Branch Manager has no authority to recruit any person as canteen boy/peon. He also states that there is no relationship of employer and employee between the bank and the workers and therefore the reference order is bad in law. He has relied upon case law 2000(85) FLR 653 SC, State Bank of India and State Bank of India Canteen Employees' Union and others. In the above case it has been held that employees of canteens, which are run at various branches of bank by Local Implementation Committee, would not be employees of the Bank.

By oral evidence on oath Sh. Sharad Garg has proved that all workers shown in the list attached with the reference order have not been recruited by the selection process. Sh. Sharad Garg has given the selection procedure in detail. It has been proved by Sh. Sharad Garg that workers were canteen boys of Local Implementation Committee. The witness has also proved that there is no relationship of employer and employee between the Bank and the workers. From perusal of evidence on record, I am of considered opinion that workers mentioned in the list attached to the reference order are not employees of the State Bank of India instead they are employee of Local Implementation Committee and therefore, the workers Mahendra Singh Negi and 11 others are not the employees of the State Bank of India and there is no relationship of employer and employee between Bank and the workers and therefore, there is no question of regularising Mahendra Singh Negi and 11 others in the regular service of the State Bank of India. The issue, therefore, answered against the worker. I also come to the conclusion that workers are not entitled to any relief.

Lucknow

18-10-2005

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 25 अक्टूबर, 2005

का. आ. 4346.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार खादी एण्ड विलेज इण्डस्ट्रिज के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. II, धनबाद के पंचाट (संदर्भ संख्या 160/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-10-05 को प्राप्त हुआ था।

[सं. एल.-42012/231/98-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 25th October, 2005

S.O. 4346.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 160/99) of the Central Government Industrial/Labour Court No. II, Dhanbad now as shown in the Annexure, in the industrial dispute between the employers in relation to the

management of Khadi and Village Industries and their workmen, which are received by the Central Government on 25-10-2005.

[No. L-42012/231/98-IR(D. U.)]
KULDIPRAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I. D. Act, 1947

Reference No. 160 of 1999

PARTIES:

Employers in relation to the management of Dist. Khadi and Village Industries Officer and their workman.

APPEARANCES:

On behalf of the employers : Mr. Badal Roy, Advocate.

On behalf of the workman : Mr. D. Mukherjee,
Advocate.

State : Jharkhand Industry : Khadi and
Village Industries

Dated, Dhanbad, the 27th September, 2005

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-42012/231/98/IR(DU), dated, the 16th March, 1999.

SCHEDULE

"Whether the demand of Sh. Nakul Ram, workman for his reinstatement and regularisation in the services of Khadi and Village Industries, Hazaribagh along with back wages etc. is legal and justified? If so, what relief the workman is entitled to?"

2. Case of the concerned workman according to Written Statement submitted by him in brief is as follows:

The concerned workman submitted that he was appointed as Instructor for the first time in the department of Bihar State Khadi and Village Industries under special training programme of the department and was posted at departmental training centre Demotand, Chharwa, Kud, Rewali and Hazaribagh and worked from 22-8-86 to 25-5-87 i.e. for a period for 270 days continuously and for discharging his duties management used to pay him wages @ Rs. 17 per day through vouchers. Thereafter he was appointed in the post of Typist vide letter No. 278 dt. 19-6-87 issued by the Khadi Village Industries Board

office; Hazaribagh. He joined there and worked from 1-7-87 to 1-7-89 i.e. for a period of one year continuously. But no payment was made to him by the department for the service rendered by him during the period beyond the period of 240 days. Again he was appointed as instructor under special training programme of the department and was posted at Departmental Centre Hazaribagh and worked for 3 months with effect from 18-10-89 to 18-1-90 continuously and wages @ Rs. 26 per day was paid to him through vouchers by order of the District Officer, Main Road, Hazaribagh for the period in question. Thereafter he was appointed as Sales Man vide letter No. K/A/Ash-738/III END/5-24/90 dt. 18-6-90 @ Rs. 26.25 P. as daily wages vide Memo Khadi 472 dt. 18-6-90. In view of the letter of appointment he joined as Sales Man on 19-6-90 and was allowed to work till 31-12-91 continuously. Thus he worked in that capacity for a period 525 days. This workman submitted that he was again allowed to work as Salesman for 3 months vide office Order No. 528 dt. 18-5-93. Again he was appointed vide office Memo No. 930 dt. 1-12-95 for a period from 5-11-96 to 31-3-96 @ daily wages of Rs. 36 per day. Thereafter he was again appointed by the Chief Executive Officer, Patna H. Q. vide Memo No. 3125092 dt. 12-12-97 and District Office's Memo No. 293 dt. 31-8-98 and he joined on 4-1-98 at Khadi Gramodyog Bhawan, Hazaribagh as Salesman, on daily wages of Rs. 40 per day. But all on a sudden on 12-1-98 the District Khadi and Village Officer illegally stopped him from work as Salesman without giving any notice of termination and also without making any payment under the provision of law. He submitted that oral termination/retrenchment order issued against him was illegal, arbitrary and violative to the principle of natural justice. Accordingly he raised an industrial dispute for conciliation which ultimately resulted reference to this Tribunal for adjudication. The concerned workman in view of the facts and circumstances submitted his prayer for reinstatement in his service with immediate effect and with all wages and other consequential benefits.

3. Management on the contrary after filing Written Statement-cum-rejoinder have denied all the claims and allegation which the concerned workman asserted in the Written Statement. They submitted that Bihar State Village Industries Board is a body corporate constituted under the Bihar State Khadi Village Act, 1956 having its head office at Patna carrying on activities independently for development and regulating village industries in the State of Bihar as well as to develop the weaker sections of the society. As such Bihar State Khadi and Village Industry does not come within the purview of Section 2(J) of the I. D. Act, 1947 as well as the State Govt. is the appropriate authority for the purpose of reference of industrial dispute and not the Central Government. Accordingly they submitted prayer that the instant reference is not maintainable in the eye of law. They further submitted that Shri Nakul Lal is not entitled to get benefit under Section

25 of the I. D. Act, 1947 as he has not worked continuously for a period 240 days. They disclosed that Chief Executive Officer is the authority by or on behalf of their local authorities to carry on their affairs and management within the meaning of Section 2(g)(ii) of the I. D. Act, 1947. As such District Officer is not to be considered as an employer as per provision laid down under Section 2(g) of the I. D. Act. They submitted that the concerned workman was never appointed at any post at any point of time by the District Officer. Bihar State of Khadi and Village Industry Board and the District Officer had no authority to appoint the concerned workman at any point of time and accordingly claim of the concerned workman is incorrect and improper to this effect. They submitted that the concerned workman was engaged as casual worker on daily wages basis for a specific work for a specified period on being appointed by the Chief Executive Officer, Khadi and Village Industry Board for which District Officer accorded permission to Nakul Lal to do specified work and on completion of that specified work he was stopped from his work and for which he was not entitled to get any notice pay or retrenchment compensation as per Section 25F of the I. D. Act. They submitted that the claim of the concerned workman for his reinstatement to the post of Salesman at Khadi Gramodyog Bhawan Hazaribagh and also his claim for back wages are absolutely improper and baseless. They submitted that the concerned workman was engaged as Salesman on daily wages basis @ Rs. 26.25 P. per day for the special rebate period i.e. for the period from 2nd October upto 28th February every year and they paid wages to the worker for the work done by them during that period excluding Sunday and Gazetted Holidays and the period of absence. Concerned workman was one of the person who worked as Salesman during special rebate period of daily wages basis. They further submitted that Chief Executive Officer of Khadi Gramodyog Bhawan vide his letter dt. 12-11-97 accorded permission to appoint the concerned workman on daily wages basis during special rebate period of 3 months only if (1) there was shortage of staff (2) if there was availability of funds for payment to the staff and (3) if the service history of the concerned workman was found satisfactory. It is submitted that the Manager of Khadi Bhawan had reported vide his letter dt. 12-1-90 that the Bhawan was running in loss on account of non-availability of fund and stock of clothes as well as the Manager Khadi Bhawan reported that the back history of the concerned workman was not satisfactory as he managed to receive payment at two places for the same day putting the Khadi Board to heavy loss and thereby committed serious offence as is evident from the auditors report and for which he was not engaged at all and there was no question of his engagement at all for the special period. In view of the facts and circumstances stated above management submitted prayer that the concerned workman is not entitled to get any relief and accordingly an award may be passed rejecting the claim of the concerned workman.

POINTS TO BE DECIDED:

"Whether the demand of Sh. Nakul Ram, workman for his reinstatement and regularisation in the services of Khadi and Village Industries, Hazaribagh along with back wages etc. is legal and justified? If so, what relief the workman is entitled to?"

7. FINDING WITH REASONS:

It transpires from the record that the concerned workman with a view to substantiate his claim examined himself as WW-1, Management also in support of their claim examined one witness as MW-1. Considering the evidence of WW-1 i.e. the concerned workman it transpires that he started working at Khadi Industry Board w.e.f. 22-6-86 as Instructor. Thereafter he was appointed in the office of the management as typist and in support of this claim he relied on the order marked as Ext. W-1. He disclosed that as Typist he worked for one year in full and thereafter by another order marked as Ext. W-2 he was asked to take up the work of Instructor. Thereafter as per direction of the management he started working as Salesman and worked in that capacity for 525 days and thereafter he was transferred to Telaiya branch as Salesman, copy of the order to that effect is marked as Ext. W-3. This witness disclosed that he joined in the year 1995 at Telaiya branch where he worked for 6 months and then the management stopped him from work and thereafter in the year 1997 as daily rated worker management engaged him for 3 months. Copy of the order to that effect during his evidence marked as Ext. W-4. In spite of issuance of appointment letter the District Officer Khadi and Village Industry Board did not allow him to join there. Accordingly he made sufficient request to the management for allowing him to join but to no effect and for which he raised an industrial dispute. Therefore, considering the evidence of the concerned workman it transpires that as the concerned workman was not allowed to join his duties as Salesman in view of letter of appointment issued by the management in the year 1997 he raised industrial dispute. Accordingly it is to be looked into whether the act of the management depriving the concerned workman to join as Salesman was justified or not? MW-1 during his evidence disclosed that Chief Executive Officer is the head of office of the Board. The selection committee of that Board is the supreme authority in the matter of selection of staff or worker for which the District Officer has no power to give employment to any worker under this Board. He further disclosed that in different places they have Khadi Bhawan to promote the sales of Khadi materials amongst the people of the locality. He also disclosed that during pressure of work i.e. at the time of rebate reason Chief Executive Officer is empowered to engage daily rated worker. As per circular of the State Government, Khadi Gramodyog Samity is authorised to grant rebate on the articles to be sold for a maximum period of 90 days. Management also relied on the letter dt. 12-12-97

which the concerned workman relied on marked as Ext. W-4 as well as Ext. M-1 issued by the Chief Executive Officer. By this letter Chief Executive Officer issued permission to the District Officer to engage the concerned workman on daily rated basis during rebate season with the condition not to enter any claim for regularisation. Before issuance of that letter as mentioned above Manager, Khadi Bhawan issued a letter addressed to the District Khadi and Village Industry Officer dt. 15-11-97 not to engage any daily rated worker as the business is running at a loss and even also recommended not to engage the concerned workman any further as daily rated worker as his service was not satisfactory. The said letter during evidence of MW-1 is marked as Ext. M-2. Thereafter Manager, Khadi Bhawan by letter dt. 12-1-98 addressed to the District Officer, Hazaribagh with recommendation to disengage the concerned workman any further as rebate period was going to be closed very soon. It was further mentioned that the services of the concerned workman was not satisfactory. The said letter during evidence was marked as Ext. M-3. MW-1 during his evidence admitted that in the year 1990 the concerned workman was engaged as daily rated worker at Khadi Bhawan, Hazaribagh. However, by order issued by the Chief Executive Officer dt. 13-12-91 to remove all daily rated workers from Khadi Bhawan, Hazaribagh, as the said Bhawan was running at a loss. Thereafter the concerned workman was stopped from his work. The said letter of Chief Executive Officer is marked as Ext. M-4. However, on this issue the concerned workman did not raise any dispute. This witness disclosed that as per Khadi Gramodyog Act, 1956 if any dispute is raised by any Class III and IV staff the same should be placed before the Board for disposal. If the dispute is not mitigated in that case the workman is allowed to make appeal before the State Government. He disclosed that instead of following the said procedure the concerned workman raised an industrial dispute before the ALC(C) Hazaribagh. Considering the evidence of both sides and considering the material documents on record it transpires that in certain occasions before 1990 the concerned workman was engaged as daily rated worker for a limited period. It has been admitted by the management that from 18th June, 1990 to 31-12-91 the concerned workman discharged his duties as daily rated worker under the management and thereafter he was stopped from his service by order marked as Ext. M-4. The concerned workman during his evidence relied on vouchers relating to payment of wages from the management during the period as mentioned above i.e. during the period from 1990 to 1991. It is seen that after stopping from work he did not raise any dispute that he was illegally stopped from his work. Actually the dispute has been cropped up here, over the refusal by the management to allow the concerned workman to join his duties in view of letter of appointment issued by the Chief Executive Officer. The said letter of appointment during evidence of concerned workman was marked as Ext. W-4. Considering this letter which was

issued by Chief Executive Officer it transpires that recommendation for appointment of the concerned workman to engage him as daily rated worker during the rebate period for three months at Hazaribagh if the office at Hazaribagh is running short of workers and if there is sufficient fund. After receiving that letter Manager, Khadi Bhawan by letter dt. 12-1-98 addressed to the District Officer Hazaribagh recommended (Ext. M-3) to disengage the concerned workman taking the ground that the rebate period is going to be closed very soon. In the said letter it was mentioned that the services of the concerned workman was not satisfactory. Considering the materials on record it transpires that in view of the said letter marked as Ext. W-4 the concerned workman though joined his duty on 4-1-98 was stopped from his work with effect from 12-1-98. Therefore, it is clear that the work of the concerned workman was stopped in view of letter issued by the District Manager marked as Ext. M-3. It is seen that thereafter the concerned workman submitted representation to the management for his reinstatement but the management did not consider necessary to allow him to join to the post of Salesman at Hazaribagh office. From the letter marked as Ext. W-4 and M-1 it transpires clearly that the said letter was issued wherein the Chief Executive Officer recommended for engaging the concerned workman as Salesman during rebate season for a period of three months subject to fulfilment of two conditions viz. (1) that the said office is lacking of Salesman and that (2) there is sufficient fund for payment of wages to him. Therefore, such recommendation at any circumstances cannot be considered as appointment letter. Accordingly the local office was not at all under compulsion to allow the concerned workman to work as Salesman. However, the local office allowed him to work there during rebate season on 4-1-90 but his service was stopped w.e.f. 12-1-98 taking the ground that the rebate season was going to be closed very soon and the services rendered by him was not at all satisfactory. There is no whisper in the recommendation letter that the concerned workman cannot be stopped from work if engaged during the rebate season of 90 days. As recommendation of engagement was absolutely for a limited period, there was no question of issuing any notice under Section 25F of the I. D. Act before he was stopped from his service. Accordingly there is no scope to say that management committed any illegality in stopping the services of the concerned workman after certain period.

8. It is the contention of the management that the instant reference case is not maintainable in the eye of the law because of the fact that Central Government is not the competent authority to deal with such dispute as it is under the domain of the State Government. On the contrary submission of the representative of the concerned workman is that the concerned workman did not commit any wrong in raising industrial dispute before the ALC(C) Hazaribagh. Therefore, it is to be considered now who is to be considered

as appropriate Government. The Act provides machinery inter alia for conciliation, settlement, arbitration and compulsory adjudication of industrial disputes. In order to set this machinery in motion it was obviously necessary that some authority should be vested with right to initiate proceedings. Accordingly, the Act provides for the following authorities :

- (a) the Central Government.
- (b) the State Government.

The Central Government has been designated to be the appropriate Government in relation to any industrial dispute concerning the industries or the establishments or the companies referred to in sub-clause (1) of cl. (a) of Sec. 2 and in relation to any other industrial dispute the State Government has been designated to be the appropriate Government [Air India Statutory Corpn. Vs. United Labour Union (1997) 9 SCC 377]. Sub-Section (1) of Clause (a) of Section 2 has clearly specified the dispute in relation to which companies are to be considered as Central dispute under the Central Government. From this clause I have failed to find out any whisper if Bihar Khadi Gramodyog Industries comes under the jurisdiction of the Central Government to deal with any dispute. On the contrary clause 2(kka) of the Industrial Disputes Act has defined "Khadi" has the meaning assigned to it in clause (d) of Section 2 of the Khadi and Village Industries Commission Act, 1956. Section 2(d) of the Khadi and Village Act as amended 1981 has clearly defined "Board" and Khadi. "Board" means the Bihar Khadi and Village Industries Board established under Section 3 and "Khadi" means any cloth woven on handlooms in India from cotton, silk or woolen yarn handspun in India, or from a mixture of any two or all of such yarns. This Act is absolutely an Act which comes under Bihar Act XIV of 1956. It is the specific contention of the management that as per provision of this Act if any dispute crops up by any class III and IV employees the same should be placed before the Board for disposal and if the said dispute is not mitigated in that case the workman is allowed to make appeal before the State Government. In this connection Gazette Notification issued by the State Government of Bihar dt. 12-2-79 if looked into it will expose clearly that any dispute if comes in connection with Bihar Khadi and Village Industries Act, 1956 the dispute should be referred to the State Tribunal. Therefore, considering all these material papers it is clear that Central Govt. is not appropriate Government where any industrial dispute could be raised over a dispute which came into existence under Bihar Khadi and Village Industries Act, 1956 and 1981 as amended. Therefore, the State Government here has to be considered as appropriate Government where the concerned workman could rightly agitate the dispute for consideration but instead of doing so he selected the Central Government as the appropriate Government wrongly as the Central Govt. is not the appropriate

Government. I consider that the instant reference case is not maintainable in the eye of law. In the result, the following Award is rendered :

"The demand of Sh. Nakul Rani, workman for his reinstatement and regularisation in the services of Khadi and Village Industries. Hazaribagh along with back wages etc. is not legal and justified. Consequently, the concerned workman is not entitled to get any relief."

B. BISWAS, Presiding Officer

नई दिल्ली, 25 अक्टूबर, 2005

का. आ. 4347.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नॉर्दन रीजन फार्म मशीनरी ट्रेनिंग एण्ड टेस्टिंग इंस्टिट्यूट के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 81/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-10-05 को प्राप्त हुआ था।

[सं. एल.-42012/66/93-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 25th October, 2005

S.O. 4347.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 81/94) of the Central Government Industrial Tribunal/Labour Court No. 1, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Region Farm Machinery Training and Testing Institute and their workmen, which was received by the Central Government on 25-10-2005.

[No. L-42012/66/93-IR(D. U.)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH

Case No. I. D. 81/94.

Ram Phal Son of Shri Chander Singh, Village Sulakhi,
Post Office Bugana, District Hissar (Haryana).

... Applicant

Versus

Director, Northern Region Farm Machinery Training
& Testing Institute, Hissar. ... Respondent

APPEARANCES:**For the workman** : Shri Darshan Singh**For the management** : Shri Dinesh Nagar**AWARD**

Passed on :

Central Govt. vide No. L. 421012/66/93-IR-(DU) dated 11th of August 1994 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Northern Region Farm Machinery Training and Testing Institute, Hissar in terminating the services of Shri Ram Phal Singh, Ex-Chowkidar-cum-Farm mate w.e.f. 12-6-92 is justified ? If not, what relief he is entitled to ?"

2. Workman filed claim statement making averments that he was appointed as a Chowkidar-cum-Farm mate on the recommendation of the selection committee and he joined on 15-7-1991 in the regular pay scale. He was duly sponsored by the employment exchange before his appointment under them. He was appointed against regular vacancy and on regular basis. He completed continuous service of 240 days when his services were abruptly terminated w.e.f. 12-6-92, and before termination compliance of Section 25F was not made and management retained the juniors while terminating the services of the workman. On 20-12-1991 one Suraj Bhan who was holding a regular post of Chowkidar-cum-Farm mate submitted his resignation and that post fell vacant. The management deputed one Randhir Singh who was a daily wageer to hold that vacant post and the workman ought to have been accommodated on this post.

3. The management filed written statement denying the allegations made in the claim statement and raised preliminary objection that the management is not an industry. On merits it is stated that workman was appointed against a lien vacancy and not against a regular vacancy. He was not engaged as casual worker. He was offered the post of Chowkidar-cum-Farm mate vide office letter dated 10-7-1991 and he joined after acceptance of the offer on 15-7-1991 against lien vacancy of Hira Singh Chowkidar-cum-Farm mate who was promoted to the post of Fieldman against a lien vacancy. In the offer of appointment it was clearly mentioned that the post is purely lien vacancy and his services can be terminated at any time without any notice on joining of a regular incumbent. Hira Singh was reverted back in the after noon of 11-6-92 and consequently as this regular employee who was reverted back from lien post, consequently the services of the workman terminated as per clause 3 of the offer of appointment. Section 25F of the I. D. Act will not be applicable as there was a stipulation in the offer of appointment that his services could be terminated at any time without any notice on joining of a

regular incumbent. No junior was retained. As regards one Randhir Singh, he was senior most person working as a casual labourer but he was first not considered and on this post Ram Phal Singh was appointed but thereafter Randhir Singh was appointed being senior most.

4. Both parties filed their affidavits and led oral evidence. Workman examined himself as WWI and management examined MWI Y. Suneja, Senior Testing Engineer.

5. Final arguments heard. Learned counsel for the workman submitted that workman worked in a calendar year preceding to the date of termination more than 240 days and that lien vacancy is immaterial. No compliance of Section 25F was made. The workman was appointed against a regular vacancy and on regular post as per claim statement and he was appointed after being sponsored by the employment exchange and after the recommendation of the selection committee. Workman also referred to : (1) 2002 (3) RSJ 499 wherein it was held by our own Hon'ble Punjab & Haryana High Court that the petitioner appointed through proper channel though on contractual basis. Letter of appointment providing that the contract is valid upto 89 days or till the joining of regular recommendee of Haryana Staff Selection Commission wherever is earlier and services cannot be terminated at any time without notice on the face of it erroneous, (2) 2004 (1) RSJ again a judgment of Hon'ble Punjab & Haryana High Court wherein it is held that respondent workman appointed as stop gap arrangement till a regular candidate from employment exchange or from govt. is made available is of no benefit to the management, (3) regarding unfair labour practice 2001(4)RSJ 200 in which workman appointed on ad hoc basis on the condition that workman will not be regularized until she passes type test. On seven chances given, failure to pass type test, services were terminated without complying the provisions of Section 25F, (4) 2001(1) RSJ 544 wherein Hon'ble Supreme Court has held that when workman given small motivated breaks as clerk on ad hoc basis and worked for more than 240 days in a year before termination and the case of the applicant was one of the retrenchment, reinstatement refused by the Tribunal and retrenchment compensation granted on the ground that the regular appointment to the post held by the appellant could only be made by the service board as per the regulation, (5) 1998(1) RSJ 202, in which the Hon'ble S. C. has held that workman working as LDC for varying periods from 18 to 20 years allegedly on ad hoc basis, held in the present case appointments were made in accordance with the rules. Appointment have continued for a number of years and cannot be treated as ad hoc or fortuitous.

6. While summing up his argument, learned AR of the workman Darshan Singh submitted that workman has proved the reference in his favour and workman may kindly be reinstated with continuity and backwages and also consequential benefits.

On the other hand, learned counsel for the management submitted in argument that that in short, case of the management is admitted by the workman in his oral evidence, he first refer to the claim statement wherein he submitted that name of the workman was duly sponsored through the employment exchange before his appointment with the management and he was appointed against a regular vacancy and on regular post. He submitted that workman in his oral evidence as WW1 admitted the case of the management and shattered his own case. When he admitted on oath in cross-examination that appointment letter Ex. M1 was given to him and in view of the appointment letter he joined on 15-7-1991. He was not appointed as daily wager. It is correct that his vacancy was against the post of Hira Singh. It is correct that Hira Singh was promoted. It is also correct that Hira Singh was reverted on 11-6-92. He was terminated on reversion of Hira Singh. Randhir Singh was working on daily wager prior to him and Randhir Singh was senior to him. He also submitted that MW1 on oath in cross-examination had stated that Ram Phal Singh was appointed as chowkidar-cum-farm mate. He was appointed on lien vacancy as mentioned in Ex. M2. His appointment was conditional only up to the lien period. His services were to be retained till the availability of the regular incumbent or the lien period is over. No compensation or notice was given to the workman as it is not required because he was appointed on lien basis. It is correct that workman worked w.e.f. 15-7-91 to 11-6-1992 continuously. The workman in his cross-examination admitted that Hira Singh was reverted on 11-6-1992 and it also admitted by the workman that vacancy was against the post of Hira Singh and he was terminated on the reversion of Hira Singh. Learned counsel for the management while replying to the workman submission that law referred by the workman is not applicable on the facts and circumstances of the case. He referred the judgment of the Hon'ble Supreme Court AIR 1996 S. C. Page 1001. He submitted that in this judgment of the Hon'ble Supreme Court has held that when appointment is for a fixed period, Section 25F does not apply as it is covered by clause (bb) of Section 2(oo) of the I.D. Act. termination is not retrenchment and not illegal unless it is mala fide. He also submitted that workman has not alleged any mala fide on the part of the management. He submitted that relying on this judgment wherein it is also held that once an appointment is made for a fixed period, Section 25F does not apply as it is covered by clause (bb) of section 2(oo) of the I.D. Act. when the appointment is for a fixed period. Unless there is a finding that powers under clause (bb) of Section 2(oo) was misused or vitiated by its mala fide exercise, it cannot be held that termination is illegal. In its absence, the employer could terminated the services in terms of the letter of appointment unless it is a colourable exercise of powers.

8. Learned counsel further submitted that in the present case, workman did not say anything that his

appointed was colourable or management used his powers with mala fide intention. He also concealed a material facts that he was appointed against lien vacancy came in existence on promotion of a person to a lien vacancy. He further submitted that there is a clause III in the appointment letter which is as under :

"The post is purely lien vacancy and his services can be terminated at any time without any notice on joining of regular incumbent."

9. He submitted that in this case if it is not a lien vacancy then act of termination without notice is arbitrary. But in the present case, workman was appointed in a lien vacancy for a fixed period and workman also admitted in cross-examination so, workman also admitted to the extent that on reversion of Hira Singh on whose post he was appointed, he was reverted back, and in consequence the services of the workman were terminated. If it is not done then, regular employee would be an aggrieved party as Hira Singh will become disengage or terminated. He submitted that workman has written in the claim statement that he was appointed against a regular vacancy and on regular post. His own cross-examination shattered his claim made in the claim statement. As regard, workman has completed 240 days when his services were terminated abruptly on 12-6-1992, workman has admitted that on 11-6-92 Hira Singh on whose vacancy workman was working reverted back and was allowed to join on 11-6-1992, his disengagement is not retrenchment or illegal termination. Further in view of the judgment of the Hon'ble Supreme Court referred by the management despite the completion of 240 days it is not in violation of Section 25F of the I. D. Act because he was engaged for a fixed period. He has also given his acceptance for joining this post. It was a contractual post and contract was over when Hira Singh was reverted back to his own post of Chowkidar-cum-farm mate.

10. As regard appointment of Randhir Singh, he was not a contractual labour. He was appointed as admitted by the workman himself as daily wager prior to him. Therefore allegation of workman that Randhir Singh was wrongly appointed being daily wager are not correct as he was senior to workman. While summing up his argument, he again submitted that law referred by the management is fully applicable and law referred by the workman at all not applicable. He submitted that as workman failed to prove that there was violation of Section 25F. On the other hand, the management has proved that his disengagement is just and legal despite his completing 240 days without notice or pay in lieu of notice and compensation. Therefore, his disengagement is not illegal. Reference may be answered in favour of the management and against the workman.

11. In view of the above submission of both the parties and my perusal of oral evidence and documents, I

am of the considered view that workman though did not mention in his pleadings that he was appointed against the lien vacancy of a peon who was further promoted on a lien vacancy and that when the person joined after the expiry of lien, Hira Lal was reverted back to the post where workman was appointed and that on the same date the workman was disengaged from the service. Contentions of the workman are that as workman has completed 240 days and in view of the law referred by him in view of a judgment of our own High Court as 2002(3) RSJ 499 Surinder Kumar and Others Vs. State of Haryana and Others, he is entitled for relief claimed, I have found that in this judgment Hon'ble High Court has held that State would suffer no prejudice if the petitioners are permitted to continue to work in terms of the letter of appointment with the clause of termination being deleted therefrom till regular incumbents join in accordance with rules. The petitioners held entitled to get minimum of the pay scale with dearness allowance. As regards other law referred, with due apology to My Lords, these are not applicable as the management has referred to AIR 1996 Supreme Court 1001 in case of State of Rajasthan Vs. R. L. Gahlot. In this judgment it is held that when an appointment is for a fixed period is covered by Section 2(o)(bb), termination is retrenchment and not illegal unless it is mala fide. On perusal of the entire pleadings of the workman and submissions, I have found that workman has no where alleged mala fide against the management. I have found correct these contentions of the management that workman has admitted the case of the management. In cross-examination WW1 Ram Phal Singh workman has admitted that appointment letter Ex. M1 is having clause 3 of termination that it is a lien vacancy. That he joined on 15-7-1991 and was not appointed as daily wage. It is correct that vacancy on which he was appointed was against the post of Hira Singh. It is correct that Hira Singh was promoted. It is also correct that Hira Singh was reverted on 11-6-1992 to his old post. He was terminated on reversion of Hira Singh. Randhir Singh was working on daily wage basis prior to him. He did not know whether the case of Randhir Singh was considered being senior most on daily wages. I have also found that MW1 Y. Suneja also deposed on oath that workman was appointed on lien vacancy. There was only one vacancy as mentioned in Ex. M2. His appointment was only up to the lien period. His services were to be retained till the availability of the regular incumbent or the lien period is over. He did not know whether vacancy arose on 20-12-1991 as chowkidar Suraj Bhan resigned. No compensation or notice was given to the workman as it is not required because he was appointed on lien basis.

13. In view of the law referred by the management AIR 1996 Supreme Court page 1001(supra), I have found that Hon'ble Supreme Court has held that when the

appointment is for fixed period unless there is a finding that that power under clause (bb) of Section 2(o) was misused or vitiated by mala fide exercise, it can not be held that the termination is illegal. In its absence, the employer could terminate the services in terms of the letter of appointment unless it is a colourable exercise of power. It must be established in each case that the power was misused by the management or that appointment for a fixed period was a colourable exercise of power. It is also held in this case that since order of termination is in terms of letter of appointment, workman is not entitled to back wages.

14. In view of the above the referred by the management which is exactly on the facts of this case. I am of the considered view that despite completion of 240 days by the workman, his disengagement is not illegal. Therefore, the action of the management of Northern Region Farm Machinery Training and Testing Institute, Hissar in terminating the services of Shri Ram Phal Singh, Ex-chowkidar-cum-farm mate w.e.f. 1-6-92 is justified and as it is so, the workman is not entitled to any relief. The reference is answered accordingly. Central Govt. be informed. File be consigned to record.

Chandigarh

21-9-05

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 25 अक्टूबर, 2005

का. आ. 4348.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लाला नाम स्वरूप इंस्टिट्यूट ऑफ टी. बी. एण्ड एलाइड डीसिसेज के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 120/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-10-05 को प्राप्त हुआ था।

[सं. एल.-42011/47/2000-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 25th October, 2005

S.O. 4348.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 120/2000) of the Central Government Industrial Tribunal-cum-Labour Court No. I, New Delhi now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Lala Ram Swaroop Institute of Tuberculosis and Allied Diseases and their workmen, which was received by the Central Government on 25-10-2005.

[No. L-42011/47/2000-IR(D. U.)]

KULDIPRAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI SANT SINGH BAL, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL, NEW DELHI

I. D. No. 120/2000

In the matter of dispute between :

1. Shri Johny Kanojiya,
2. Shri Suresh Kumar,
3. Shri Ram Brij Sharma,
4. Shri Praveen Kumar

through General Secretary,
Hospital Karanichari Panchayat (Regd.),
Union, L. R. S. Institute of T. B. &
Allied Diseases,
Sri Aurobindo Marg,
New Delhi-110001.

... Workmen

Versus

Director,
Lala Ram Swaroop Instt. of Tuberculosis,
And Allied Diseases, Aurobindo Marg,
New Delhi-110001.

... Management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42011/47/2000/IR(DU) dated 30-10-2000 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Director, Lala Ram Swaroop Institute of Tuberculosis and Allied Disease, New Delhi engaging S/Shri Johny Kanojiya w.e.f. 20-12-95, Suresh Kumar w.e.f. 20-12-95, Ram Brij Sharma, w.e.f. 1-10-97 and Parveen Kumar w.e.f. 23-3-96 as laundrymen for the cleaning and washing of the clothes in their establishment through M/s. B. K. Kaushik. Contractor continuously on the said job and denying their regularisation in service in the Institute as Principal Employer is justified, valid and legal ? If not, to what relief the workmen are entitled ?"

2. Perusal of the record shows that claim statement, written statement and rejoinder have been filed in this case and case was fixed for filing of parties documents on 21-4-2003. On 21-4-2003 Shri Ram Brij Sharma one of the workman appeared and case was adjourned to 17-7-2003 for filing of parties documents. Since 17-7-2003 till today i.e. 19-10-2005, 11 opportunities have been granted for filing documents but none has come forward for the workmen to file documents. It appears that the workmen are not

interested in the prosecution of this reference. Hence No Dispute Award is passed. File be consigned to record room.

Dated : 19-10-05.

SANT SINGH BAL, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 2005

का. आ. 4349.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 नवम्बर, 2005 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप-धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की चुकी है] के उपबन्ध उत्तर प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्,

राजस्व ग्राम	राजस्व परगना	राजस्व तहसील	जिला
(1) गणेशपुर- रहमानपुर	लखनऊ	सदर लखनऊ	लखनऊ
(2) सेमरा			
(3) तेराखास			
(4) उतरधौना			
(5) शाहपुर			
(6) निजामपुर- मल्लहौर			
(7) सरायसेख			
(8) मेहौरा			
(9) जुगौर			
(10) लौलाई			
(11) सिकन्दरपुर			
(12) सोनापुर			
(13) देवरिया			
(14) चक मल्लहौरी			

[सं. एस.-38013/63/05-एस. एस.-1]

के. सी. जैन, निदेशक

New Delhi, the 26th October, 2005

S.O. 4349.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government

hereby appoints the 1st November, 2005 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Uttar Pradesh namely :—

Revenue Village	Revenue Pargna	Tehsil	District
(1) Ganeshpur-Rehmanpur	Lucknow	Sadar Lucknow	Lucknow
(2) Semra			
(3) Terakhas			
(4) Utardhauna			
(5) Shahpur			
(6) Nizampur-Mallhaur			
(7) Saraiseikh			
(8) Mehaura			
(9) Juggaur			
(10) Laulai			
(11) Sikander-pur			
(12) Sonapur			
(13) Devaria			
(14) Chak Malhauri			

[No. S-38013/63/2005-S. S. I.]
K. C. JAIN, Director

नई दिल्ली, 26 अक्टूबर, 2005

का. आ. 4350.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के सम्बन्ध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 207/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-05 को प्राप्त हुआ था।

[सं. एल-40012/113/2002-आई. आर. (डी. यू.)]
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 26th October, 2005

S.O. 4350.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 207/2002) of the Central Government Industrial Tribunal/Labour Court No. I, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Deptt. of Telecom. and their workmen, which was received by the Central Government on 26-10-2005.

[No. L-40012/113/2002-IR(D. U.)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, No. 1, CHANDIGARH

Case No. I. D. 207/2002

Smt. Vijay Kumari, C/o N. K. Jeet, 27349, Lal Singh Basti Road, Bhatinda (Punjab). ... Applicant

Versus

The General Manager, Telecom, BSNL, Ferozepur. ... Respondent

APPEARANCES:

For the workman : None

For the management : Miss Depali Puri

AWARD

Passed on 18-10-2005

Central Govt. vide notification No. L-40012/113/2002-1. R. (DU) dated 7-10-2002 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of General Manager Telecom, Ferozepur in terminating the services of Smt. Vijay Kumari, D/o Shri Raj Pal Dhamija Steno Typist, w.e.f. 5-5-99 is just and legal? If not, to what relief the workman is entitled to and from which date?"

2. Learned counsel for the management requested for sending back the reference as workman is not appearing and workman appears to be not interested as she is not appearing despite court notice. She also submitted that even after receiving copy of the written statement on 2-5-05 and thereafter none appeared on behalf of the workman on 6-7-05 and even today none has put up appearance on behalf of the workman.

3. In view of the above submission it appears that workman is not interested to pursue with the present case

as none is appearing on her behalf and appears to be gainfully employed. In view of the above, since workman is not interested to pursue with the present reference, the same is returned to the Central Govt. for want of prosecution. Central Govt. be informed. File be consigned to record.

Chandigarh.

18-10-05

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 2005

का. आ. 4351.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. सी. एस. ओ. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II, के पंचाट (संदर्भ संख्या 73/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-10-05 को प्राप्त हुआ था।

[सं. एल.-20012/207/98-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 26th October, 2005

S.O. 4351.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 73/99) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of CCSO and their workmen, which was received by the Central Government on 25-10-2005.

[No. L-20012/207/98-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section
10(1)(d) of the I. D. Act, 1947

Reference No. 73 of 1999

PARTIES:

Employers in relation to the management of Central Coal Supply Organisation of M/s. SAIL Dhanbad and their workman.

APPEARANCES:

On behalf of the workman: Mr. D. K. Verma, Advocate.

On behalf of the employers: Mr. R. N. Das, Additional Chief Law Officer and Mr. B. Mukherjee, Law Officer

State: Jharkhand

Industry: Coal Supply

Dated, Dhanbad the 28th September, 2005

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/207/98-IR(C-I), dated, 29th January, 1999.

SCHEDULE

"Whether the action of the management of CCSO Dhanbad in not providing employment to the dependent husband of late Smt. Bibha Sinha under provision of 7.16 of Memorandum of Agreement dt. 25th May, 1983 is justified? If not so, to what relief the said workman Shri Kumar is entitled to?"

2. Case of the concerned workman according to Written Statement submitted by the sponsoring union on his behalf in brief is as follows:

The sponsoring union submitted that Bibha Sinha was an employee of C. C. S. O. at Dhanbad as Senior Assistant. She died in harness on 22-8-1989 leaving behind the petitioner workman as her husband and daughter Manisha Kumari. It has been submitted that Bibha Sinha married the petitioner workman after the death of her former husband who was an employee of C. C. S. D. After the death of C. P. Sinha his widow i.e. Bibha Sinha was given employment by the C. C. S. O. in place of her husband late C. P. Sinha. Manisha Kumari is the daughter of Bibha Sinha by her former husband C. P. Sinha. They submitted that after marriage petitioner workman started living with his wife Bibha Sinha in the quarter allotted in her favour. They further submitted that after death of Bibha Sinha her husband was given all the benefits being dependent husband of late Bibha Sinha as he himself is not employed anywhere by the C. C. S. O. and as he was fully dependent on his employed wife. During life time of Bibha Sinha they submitted that the petitioner enjoyed all the benefits like L. L. T. C., L. T. C. and medical facilities. After the death of his wife management paid him gratuity, P. F. and amount of life cover scheme etc. They submitted that the petitioner workman raised industrial dispute for conciliation as the management refused to provide any employment on compassionate ground which ultimately resulted reference to this Tribunal for adjudication. In spite of existence of Memorandum of agreement of National Joint Committee for the steel industry as per the provision mentioned in the

agreement management is liable to provide employment to a dependent of an employee who dies in harness. Disclosing this fact the sponsoring union submitted that though the petitioner workman is liable to get employment on compassionate ground as per the said agreement management refused to provide employment to him. Accordingly the sponsoring union submitted prayer to pass award directing the management to provide employment on compassionate ground.

3. Management on the contrary after filing Written Statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the Written Statement submitted on behalf of the concerned workman. They submitted that Industrial Dispute which the sponsoring union raised for the cause of Ashok Kumar, husband of Bibha Sinha is not a workman under the management and therefore they had no locus standi at all to raise that industrial dispute as there was no employer-employee relationship between them and the said person as defined under Section 2(k) of the I. D. Act, 1947. It has been disclosed by the management that Smt. Bibha Sinha got her employment on 21-3-80 and was regularised w.e.f. 10-7-82 in the post of Assistant. She died on 22-8-89. They further disclosed that said Bibha Sinha declared Ashok Kumar, the petitioner as her husband. They further admitted that said Bibha Sinha got her employment on compassionate ground after the death of her first husband late C. P. Sinha who was an employee of the management. They further admitted that as Ashok Kumar i.e. the petitioner is husband of Bibha Sinha he enjoyed all the benefits and facilities as provided to the dependent husband under the rule of the Company. They submitted that Ashok Kumar, husband of deceased worker as was not covered under the NJCS agreement of 1989 he is not entitled to get employment as per the said agreement. As per clause 8.10.4 of the said agreement it has been mentioned clearly that in case of the death due to accident arising out of and in course of employment, employment to one of his/her direct dependents will be provided. They submitted that as the death of Bibha Sinha was not due to any accident the question of providing employment to her husband did not arise. Accordingly they submitted prayer to pass Award rejecting the claim of Ashok Kumar, the petitioner workman.

4. POINTS TO BE DECIDED :

"Whether the action of the management of CCSO Dhanbad in not providing employment to the dependent husband of late Smt. Bibha Sinha under provision of 7.16 of Memorandum of Agreement dt. 25th May, 1983 is justified ? If not, so to what relief the said workman Shri Kumar is entitled ?

5. FINDING WITH REASONS :

Before entering into the claim of the concerned workman if he is entitled to get employment or not as per

order of reference let it be considered in view of objection raised by the management whether the industrial dispute raised by the petitioner workman before the ALC(C) is maintainable in the eye of law or not. It is the contention of the management that the dispute is not an industrial dispute since the petitioner workman was a stranger and not a workman. Secondly they submitted that the union does not have locus standi to raise industrial dispute inasmuch as the said union has no following in CCSO and as such substantial number of workman cannot be said to be interested in the dispute raised and (3) they submitted that the appropriate Government under Section 2(a) of the I. D. Act in relation to the establishment of CCSO is the State of Bihar now Jharkhand and as such the Central Government is not the appropriate government to refer the dispute for adjudication. To meet up the first point let us consider the decision given by his Lordship Mr. Justice R. N. Sahay in disposing of Civil Writ Jurisdiction Case No. 3273 of 1992 (R). Certified copy of the judgement during hearing was marked as Ext. W-5. In the said decision His Lordship has clearly observed in para-9 of the judgement as follows :—

"Having considered the rival contention of the parties I am of the view that having regard to the nature of dispute the matter out to be thrashed out in industrial court. It is not a fit case for exercise of power under Article 226 of the Constitution of India. It is not desirable to express any opinion on the interpretation of various Clauses of the Agreement one way or the other. The matter is left to be decided by the Labour Court if the petitioner chooses to stake the matter under the Industrial Dispute Act. Mr. Tiwari is not right in submitting that the petitioner has no remedy under the Industrial Dispute Act once Assistant Labour Commissioner has declined to adjudicate the dispute."

Therefore, the observation of the Hon'ble Court clearly speaks that the dispute raised by the petitioner workman is a fit dispute to be adjudicated under the Industrial Dispute Act. As regards second point management in course of final hearing did not agitate this issue for consideration. If for argument sake it is taken into consideration that the union who raised dispute has no locus standi to raise industrial dispute the same could be agitated at the earliest point of time while the matter was pending before the ALC(C) for conciliation. No cogent evidence is forthcoming to show that such point was agitated before the ALC(C). The point which has to be considered here is whether the relief sought for finds any basis or not. As the subject matter in issue is absolutely between the petitioner and the management I should say that though the present union has no followers in CCSO is not debarred from raising industrial dispute for the interest of equity and justice. Accordingly there is no scope to arrive into conclusion that the instant reference case is not maintainable in the eye of law as the petitioner workman

raised industrial dispute through the present union. As regards to third issue it has been agitated by the management that appropriate Govt. under Section 2(a) of the I. D. Act, 1947 in relation to the establishment of the CCSO is State of Bihar now Jharkhand and as such Central Govt. is not the appropriate Government to refer the dispute for adjudication. On the contrary the representative of the petitioner workman submitted that initially the petitioner raised industrial dispute for conciliation before the Labour Department under the State of Bihar, Dhanbad but the Labour Department refused to take up the dispute in conciliation taking the plea that the petitioner was not a workman and for which no such industrial dispute could be raised. Thereafter the petitioner filed a Writ Petition being 3273/92(R) and the Hon'ble Court dismissed the said Writ petition making observation that subject matter of the said Writ petition as is a matter of industrial dispute no relief can be granted in the Writ petition. Against the order of the Hon'ble High Court the petitioner workman preferred SLP being SLP No. 26146/95 before the Hon'ble Supreme Court but the same S. L. P. was dismissed vide order dt. 4-12-95. They submitted that the management is a coal controlling industry and for which Industrial dispute Act is concerned the Central Government is the appropriate Government and accordingly he raised industrial dispute before the ALC(C), Dhanbad. It is the contention of the representative of the petitioner workman that during pendency of hearing of the conciliation matter management did not agitate this issue. On the contrary concerned proceeding as ended in failure present reference was made by the Central Government. If the decision of the Hon'ble Apex Court in connection with Civil Appeal No. 753-754(T) of 1975 between Bangalore Water Supply and Sewerage Board and A. Rajarappa is taken into consideration there is scope to say that the CCSO which is a unit of M/s. SAIL is to be considered as an industry and therefore, the petitioner workman did not commit any illegality in raising industrial dispute for conciliation before the ALC(C), Dhanbad. In view of the facts and circumstances discussed above I hold that the instant reference case is maintainable in the eye of law.

6. Now let me consider how far the claim of the concerned workman stands on cogent footing. Considering the pleadings of both sides and also considering evidence of WW-1 and MW-1 there is no dispute to hold that C. P. Sinha originally was an employee of CCSO. After death of C. P. Sinha his widow Bibha Sinha was given employment by M/s. CCSO in place of her husband on compassionate ground. It is admitted fact that while Smt. Bibha Sinha was in service she again married one Mr. Ashok Kumar in the year 1984. In the year 1989 said Bibha Sinha died leaving behind the present petitioner workman and a minor daughter. It is the contention of the petitioner workman

that the management paid him gratuity and P. F. amount and also the amount under Life Cover Scheme to him after the death of his wife. On the basis of succession certificate issued by the District Delegate in connection with succession certificate case No. 60/90. The petitioner workman during his evidence admitted the said fact. When the said succession certificate case was filed his step daughter was minor. It is seen that Manisha Sinha daughter of Bibha Sinha filed a petition before the management dt. 27-8-99 with prayer for providing her employment on compassionate and humanitarian ground declaring her as orphan girl stating that her step father grabbed all the movable properties of her mother and also got the dues of gratuity etc. To counter the claim of Manisha Sinha in course of hearing the petitioner workman has failed to produce a single scrap of paper to show that he handed over the legitimate share of the properties and money of Smt. Bibha Sinha to her. It is undisputed that as per succession certificate he realised all due from the management. It is also clear that not only from the petition filed by Manisha Sinha marked as Ext. M-5 but also from the order issued by the management marked as Ext. W-2 it reveals that said Manisha Sinha after the death of her mother took shelter in the house of her maternal uncle at Ranchi. Again by letter dt. 16-1-90 marked as Ext. M-8 management clearly intimated that Bibha Sinha declared Manisha Sinha as her nominee. As she was minor management refused to pay the amount as per claim of the petitioner workman and disclosed that the same may be paid only to such person who is appointed or declared by order of a competent Court as legal guardian of the minor nominee. It is seen that instead of obtaining any order from the appropriate Court that he was legal guardian of the minor he filed a succession certificate case making Manisha Sinha who was minor as a party. In the order of succession certificate case Ld. District Delegate allowed to issue succession certificate in the name of the petitioner workman authorising him to collect the debts of the deceased on his executing a bond to the extent of half share being the share of his minor daughter. Relying on the said order management released a sum of Rs. 44,000 through Cheque vide letter dt. 15-4-93 apart from a sum of Rs. 29,974.02 P accrued out of P. F. accumulation (marked as Ext. W-10 and W-11). In spite of receiving such huge amount of money no evidence is forthcoming that as per order of the District Delegate the petitioner workman handed over 50% of the money to his step daughter i.e. Manisha Sinha. As no satisfactory explanation is forthcoming on the part of the petitioner workman in this regard there is no scope at all to disbelieve the facts disclosed by Manisha Sinha in her letter which has been mentioned above marked as Ext. M-5. Therefore, it is clear that Manisha Sinha has been deprived of getting her legitimate dues from her step father.

7. There is no dispute to hold that the petitioner workman after the death of his wife submitted an application for his employment on compassionate ground as per terms and conditions of Memorandum of agreement. There is also no dispute to hold that management refused to consider the claim of the petitioner/workman stating that under the agreement of 1989 claim for compassionate appointment can only be made when death arises out of employment/injury. They submitted as said Bibha Sinha met an accident at home while cooking said accident cannot be said to have occurred in course of employment. On the contrary representative of the petitioner workman submitted that the said agreement of 1989 was acted upon in the year 1992 and for which there was no scope to follow guideline as laid down in the said agreement. Moreover, the representative of the concerned workman referring decision reported in 2000 Lab IC 1900 submitted that Hon'ble Apex Court has clearly discarded the views of the management. In the said decision Their Lordships of the Hon'ble Apex Court observed as follows :

"The sudden jerk in the family by reason of the death of the bread earner can only be absorbed by some lump sum amount being made available to the family—This is rather unfortunate but this is a reality. The feeling of security drops to zero on the death of the bread earner and insecurity thereafter reigns and it is at that juncture if some lump sum amount is made available with a compassionate appointment, the grief stricken family may find some solace to the mental agony and manage its affairs in the normal course of events. It is not that monetary benefit would be the replacement of the bread earner, but that would undoubtedly bring some solace to the situation. The introduction of the family benefit scheme vide tripartite agreement, which enabled the employees family to receive regular monthly payment equivalent to the basic pay together with dearness allowance last drawn by the deceased or disabled employee till the normal date of superannuation of the employee in question in lieu of depositing the lump sum provident fund and gratuity amount with the employer cannot be in any way equated with the benefit of compassionate appointments. The introduction of family benefit scheme cannot be a ground to refuse benefit of compassionate appointment.

Moreover compassionate appointment cannot be refused since the Tripartite Agreement expressly preserves the earlier circular to the effect that any benefit conferred by the earlier circular shall continue to be effective and the earlier rules as a matter of fact were not prohibitive of such compassionate

appointments but lend affirmation to such appointment.

There is a mandate of the statute that Gratuity is to be paid to the employee on his retirement or to his dependents in the event of his early death. The introduction of Family Pension Scheme by which the employee is compelled to deposit the Gratuity amount, as a matter of fact runs counter to this beneficial piece of legislation (Act of 1972). The statutory mandate is unequivocal and unambiguous in nature and runs to the effect that the gratuity is payable to the heirs of or the nominees of the concerned employees but by the introduction of the Family Pension Scheme, this mandate stands violated and as such the same cannot but be termed to be illegal in nature. The Provident Fund, is payable to an employee under the provisions of a statute and this statutory obligation cannot possibly be deferred in the event of an untimely death of a worker or an employee. The family needs the money in lump-sum and availability of this amount is the only insulating factor in such a grief stricken family."

If the observation of the Hon'ble Court is taken into consideration it will expose clearly under which circumstances such compassionate employment can be given. In para-13 of the said decision Their Lordship observed as follows :

"Para-13.

Mr. Bhasme, Learned Advocate appearing for the Steel Authority contended that the Family Benefit Scheme was introduced on 21st November, 1992 and the salient features of the scheme were to the effect that the family being unable to obtain regular salary from the management, could avail of the scheme by depositing the lump sum provident fund and gratuity amount with the company in lieu of which the management would make monthly payment equivalent to the basic pay together with dearness allowance last drawn, which payment would continue till the normal date of superannuation of the employee in question. Mr. Bhasme further contended that adaptation of this Family Benefit Scheme was meant to provide an assured or regular income per month, while the bulk amount deposited by way of provident fund and gratuity with the management remained intact. Mr. Bhasme, contended that consequently on deposits as above, with the management, the employee's family could avail of pay upto normal date of superannuation on the footing that the employee though not actually working but notionally continued to work till the

normal date of superannuation and such a scheme in fact stands at a much better footing and much more beneficial to an employee or a deceased employee. Apparently these considerations weighed with the High Court and the latter thus proceeded on the basis that by reason of adoption of a Family Benefit Scheme by the Employees' Union, question of any departure therefrom or any compassionate appointment does not and cannot arise. But in our view this Family Benefit Scheme cannot be in any way equated with the benefit of compassionate appointments. The sudden jerk in the family by reason of the death of the bread earner can only be absorbed by some lump sum amount being made available to the family—this is rather unfortunate but this is a reality. The feeling of security drops to zero on the death of the bread earner and insecurity thereafter reigns and it is at that juncture if some lump sum amount is made available with a compassionate appointment, the grief stricken family may find some solace to the mental agony and manage its affairs in the normal course of events. It is not that monetary benefit would be the replacement of the bread earner but that would undoubtedly bring some solace to the situation."

It is fact that Manisha Sinha daughter of Bibha Sinha after passing her Matriculation examination submitted application for her employment disclosing her absolute hardship and under which circumstances she is maintaining her livelihood day to day. MW-1 during his evidence admitted that claim of Manisha Sinha is supposed to be pending as management did not give any reply to her. However, before placing such claim by Manisha Sinha the claim of the petitioner workman for employment on compassionate ground was rejected by the management. No evidence is forthcoming on the part of the petitioner workman if he was absolutely dependent on the income of his wife Smt. Bibha Sinha. During his evidence he did not make any whisper to this effect. If the decision of the Hon'ble Apex Court referred to above is taken into consideration then in that case there is sufficient ground to draw conclusion that such compassionate employment has to be given to save a distressed family from the clutches of financial stringency and starvation. It is seen that as step-father the petitioner workman not only deprived Manisha Sinha from her legitimate claim of dues which he received from the office of the management relying on succession certificate issued by the District Delegate but also did not consider necessary to discharge duties (if the petition of said Manisha Sinha is taken into consideration) in the matter of her maintenance. It is therefore clear that although he neglected his step daughter. No evidence is forthcoming that for distressed condition he is unable to

maintain himself and to maintain his step-daughter. He also has failed to establish that such compassionate employment is required for his survival and also for the survival of his step-daughter. On the contrary it is seen that said Manisha Sinha having proper qualification is passing her days being orphan girl in most distressed condition under shelter of her maternal uncle. Management though rejected the claim of the petitioner workman did not consider necessary to give sympathetic view in the prayer of Manisha Sinha for her employment on compassionate ground. If the decision of the Hon'ble Apex Court is taken into consideration I should say management cannot exonerate their responsibility to provide employment to said Manisha Sinha on compassionate ground as she is actually passing her days in distressed condition. I agree with the views of the management that a person who is not facing distressed condition economically deserves his employment on compassionate ground but simultaneously management should consider employment of a dependent who is actually passing her days in the midst of distressed condition which she ventilated in her petition which is pending for consideration before the management (Ext. M-5). It is to be borne into mind that Manisha Sinha could not get scope to file petition for employment after the death of her mother as she was minor at that time. It cannot be considered as good plea on the part of the management that claim of said Manisha Sinha has been eliminated due to lapse of time. Lapse of time I should consider as common words and should not be applicable in all cases. It is the obligatory part of the management to consider depth of need of a dependent for his/her employment before discarding the claim. As the petitioner workman has failed to establish his depth of need for employment on compassionate ground I should say that management did not commit any illegality in rejecting his claim but simultaneously management should give due importance to the claim of Manisha Sinha for her employment on compassionate ground after giving due importance to her depth of need and distressed condition which she is facing every moment though after a lapse of certain years she submitted her application on attaining her majority. In view of the facts and circumstances discussed above I hold that the petitioner workman is not entitled to get any relief.

In the result, the following Award is rendered :

"The action of the management of CCSO, Dhanbad in not providing employment to the dependent husband of Late Smt. Bibha Sinha under provision of 7.16 of Memorandum of Agreement dt. 25th May, 1983 is justified. Consequently, the concerned petitioner workman is not entitled to get any relief."

B. BISWAS, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 2005

का.आ. 4352.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय, धनबाद II के पंचाट (संदर्भ संख्या 125/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-10-05 को प्राप्त हुआ था।

[सं. एल-20012/9/98-आईआर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 26th October, 2005

S.O. 4352.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 125/99) of the Central Government Industrial Tribunal/Labour Court, Dhanbad II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 25-10-05.

[No. L-20012/9/98-IR (C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 125 of 1999

PARTIES:

Employers in the relation to the management of General Manager, Bastacolla Area of M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman : Mr. D. Mukherjee,
Advocate.

On behalf of the employers : Mr. S. N. Sinha,
Advocate.

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 28th Sept., 2005

AWARD

The Govt. of India, Ministry of Labour, in exercises of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this

Tribunal for adjudication vide their Order No. L-20012/9/98-IR(C-I), dated, the 29th January, 1999.

SCHEDULE

“Whether the demand of the Union for the alteration of the date of birth of Sri Rahish Tewary, U.G. Munshi of Kuiya Colliery as per the matriculation documents of Bihar School Examination Board is justified? If so, to what relief is the workman entitled?”

2. Case of the concerned workman according to Written Statement submitted by the sponsoring union on his behalf in brief is as follows :

The sponsoring union submitted that the concerned workman was a permanent workman at Kuiya Colliery. They submitted that due to inadvertant mistake the date of birth of Shri Rahish Tiwary had been recorded as 17-9-41 instead of his actual date of birth 14-11-49. Accordingly the concerned workman submitted representation to the management against illegal, arbitrary recording of date of birth in the register of the management and in support of his case he submitted School leaving certificate and admit card which confirmed his date of birth as 14-11-1949 and accordingly submitted prayer for rectification of his date of birth as per circular issued by JBCCI. They submitted that in the year 1987 management issued service excerpt to the concerned workman wherein also his date of birth was recorded as 17-9-41. Accordingly he raised objection in writing and returned back the service excerpt to the management with request to rectify his date of birth as 14-11-1949 instead of 17-9-41. They alleged that though raising objection in writing the concerned workman returned back the service excerpt to the management, management neither referred him to the Medical Board for determination of his age afresh nor accepted the age recorded in the School leaving certificate. They submitted further that as management did not refer the concerned workman to the Medical Board for assessment of his age in view of objection raised by him they are bound to accept the date of birth of the concerned workman recorded in the School leaving certificate as well as admit card. As the management illegally and arbitrarily did not consider necessary to take appropriate step for rectification of the date of birth he raised an industrial dispute through the sponsoring union before the AL C(C), Dhanbad for conciliation which ultimately resulted reference to this Tribunal for adjudication. The sponsoring union accordingly submitted prayer to pass award directing the management to accept the date of birth of the concerned workman as 14-11-49 and in the event of his illegal superannuation they may be directed to reinstate him with full back wages and her consequential benefits.

3. Management on the contrary after filing Written Statement-cum-rejoinder have denied all the claims and allegation which the sponsoring union asserted in the

Written Statement submitted on behalf of the concerned workman. They submitted that in the Form B Register date of birth of the concerned workman was recorded as 17-9-41 not only but also in all other documents of the company the same date of birth was recorded and he endorsed the correctness of his date of birth by putting his signature therein. They further submitted that the concerned workman got his appointment in the year 1973 but did not raise any objection relating to his date of birth recorded in the Form B register and other documents at that relevant time. On the contrary he has raised such objection at the fag end of his service only with a view to get extension of his service with help of litigation. They further submitted that there was no reason on the part of the concerned workman for non-production of his School leaving Certificate or admit card in the year 1973 at the time of his appointment in proof of his date of birth and to get the same entered in the Form B Register and other documents of the company before putting his signature authenticating the correctness of the document of the company. They alleged that with the help of purported School leaving certificate and admit card intention of the concerned workman is to increase his service length illegally. They disclosed categorically that the said two documents are fabricated and not genuine and for which at the fag end of his retirement the management cannot consider such document as authentic document with a view to correct the date of birth recorded therein. In view of the facts and circumstances it has been submitted by the management that they did not commit any illegality or took any arbitrary decision in rejecting the claim of the concerned workman. Accordingly they submitted prayer to pass Award rejecting the claim of the concerned workman.

4. Points to be Decided

“Whether the demand of the Union for the alteration of the date of birth of Sri Rahish Tiwary, U.G. Munshi of Kuiya Colliery as per the matriculation documents of Bihar School Examination Board is justified? If so, to what relief is the workman entitled?”

5. Finding with Reasons

It transpires from the record that the sponsoring union with a view to substantiate their claim examined the concerned workman as WW-1. Management also in support of their claim examined one witness as MW-1. Considering the facts disclosed in the pleadings of both sides and also considering the evidence of WW-1 and MW-1 there is no dispute to hold that concerned workman got his appointment as Munshi at Kuiya Colliery in the year 1973. This witness disclosed that at the time of his appointment he produced admit card, school leaving certificate in support of his date of birth for proper recording of the same in the Form B Register. He disclosed that according to the said certificate his date of birth was 14-11-49. This witness disclosed that in the year 1967-68 he appeared in the

Matriculation examination. In the year 1973 when management issued I.D. Card to him, he came to know that his date of birth was wrongly recorded in the official document. Immediately thereafter he submitted representation for rectification of his date of birth which was wrongly recorded in the official record. He further submitted that in the year 1987 management issued service excerpt to him wherein also his date of birth was wrongly recorded. Accordingly he returned back the said service excerpt raising his objection. In spite of raising such objection this witness disclosed that the management neither called for genuine document from him nor sent him to the Medical Board for assessment of his age. On the contrary they flatly ignored his school leaving certificate and admit card. He alleged that on the basis of wrong recording of his date of birth in the official register including Form B Register management superannuated him from service long before his actual date of superannuation and for which he raised industrial dispute. This witness during cross-examination admitted that while he is known as Rahish Tiwary his name was recorded as Raish Tiwary. The admit card during evidence of the concerned workman was marked as Ext.W-2. This witness categorically denied the fact that he disclosed his date of birth as 19-9-41 instead of 14-11-1949 recorded in the admit card as well as in the School leaving certificate at the time of his entry in the service. He disclosed that when I.D. Card was issued to him in the year 1974 he found wrong recording of his date of birth in the same and for which he raised objection immediately for rectification of his date of birth. In support of his claim he relied on the copies of representations dt. 12-5-95, 9-9-87 and 27-11-95 marked as Ext.W-4, W-4/1 and W-4/2. MW-1 on the contrary during his evidence produced Form B Register of Kuiya Colliery and in the said register the name of the concerned workman was recorded Sl. No. 41. The Form B register during evidence of this witness was marked as Ext.M-1 while the I.D. Card register of Kuiya Colliery where the name of the concerned workman was recorded in Sl. No. 177 of page 59 was marked as Ext.M-2. Date of birth of the concerned workman in both the registers are recorded as 17-9-41. Not only photograph of the concerned workman was affixed but also the concerned signed the requisite columns of the register. The original service excerpt issued to the concerned workman during his evidence was marked as Ext. M-3 wherein also his date of birth was recorded as 17-9-41 while C.M.P.F. form duly filled in under LTI of the concerned workman was marked as Ext.M-5. As the concerned workman challenged that LTI as not of his own the same was sent to the Finger Print Expert who after examination of the said LTI submitted his report which during his evidence was marked as Ext. M-6. This witness during cross-examination admitted that at the time of appointment when particulars of any workman are recorded in the Form B Register his signature or LTI should be recorded in the requisite column of the Form B Register to acknowledge authenticity of the particular recorded

therein. This witness admitted that though particulars including date of birth of the concerned workman were recorded in the Form B Register no signature of him was taken in the requisite column of the said register. This witness further admitted that as the original Form B Register was not traceable management by issuing a notification directed to prepared a new Form B Register and accordingly on the basis of the said notification the present Form B Register marked as Ext. M-1 was prepared in the year 1992. This witness during his evidence, however, expressed his inability to produce the said notification relying on which new Form B Register was opened. This witness further admitted that mixed ink was used in writing the name and other particulars of the concerned workman in the Form B Register. This witness further admitted that Sl. No. of the Form B Register in respect of the concerned workman recorded in his I.D. Card register differs from Sl. No. in the Form B Register. This witness further admitted that in the service excerpt the word "disputed" was written against date of birth of the concerned workman. During cross-examination this witness further admitted that the service excerpt marked as Ext. W-3 is original service excerpt wherein the concerned workman raised his written objection relating to his date of birth. This witness further admitted that in the year 1987 service excerpt was issued to all workmen under the management with a view to give them opportunity to raise objection if any in respect of particulars including date of birth recorded in the Form B Register. He admitted further that in case of raising such dispute by any workman over his age/date of birth recorded in the service excerpt to verify the genuinity of the same it was the policy of the management to send him to Medical Board for re-assessment of his age. This witness further failed to disclose if the concerned workman was sent to the Medical Board for assessment of his age after raising objection about his date of birth recorded in his service excerpt.

6. Now considering evidence of both sides there is no dispute to hold that the concerned workman joined at Kuiya Colliery in the year 1973 as Munshi. It is his contention that at time of his joining under the management he produced Admit card, school leaving certificate in support of his date of birth for proper recording of the same in the Form B Register. This witness disclosed that as per Admit Card and School leaving certificate his date of birth is recorded as 14-11-1949. He further disclosed that he appeared in the matriculation examination in the year 1967-68 but could not come out successfully. From his evidence it further transpires that after joining in the service management issued I.D. Card to him wherefrom he came to know that his date of birth was recorded wrongly as 17-9-41. Immediately he raised objection but no fruitful result yielded. It is admitted fact that in the year 1987 management issued service excerpt to the concerned workman wherein also his date of birth was recorded as 17-9-41. Immediately he raised objection to that effect and MW-1 during his

evidence admitted the fact of raising this dispute over wrong recording of his age. This witness admitted that service excerpt marked as Ext. W-3 is the original one wherein the concerned workman raised his objection. MW-1 during his evidence categorically admitted that service excerpt in the year 1987 was issued to each workman of the management with a view to give last opportunity to raise their objection if any relating to their date of birth or any particulars recorded in the Form B Register. On volunteered this witness further disclosed that if any dispute relating to age is raised by any workman in connection with the age recorded in the service excerpt it is the policy of the management to send that workman to Medical Board for his re-assessment of age. Concerned workman during his evidence disclosed that inspite of raising objection about wrong recording of his date of birth in the Form B Register management neither considered necessary to consult his admit card as well as school leaving certificate for taking necessary step in the matter of correction of his date of birth nor they considered necessary to send him to the Apex Medical Board for assessment of his age. This fact during hearing management could not deny. It is clear that immediately on receipt of the service excerpt the concerned workman in writing raised his objection about his date of birth recorded therein but management did not take any step. If the evidence of MW-1 is taken into consideration it was obligatory on the part of the management to take appropriate step to meet up the grievance of the concerned workman relating to the dispute which he raised over his date of birth. The Form B Register as well as I.D. Card register during evidence of MW-1 were marked as Ext. M-1 and M-2 respectively. In the Form B Register particulars of the concerned workman including date of birth were recorded in Sl. No. 41 while in the I.D. Card register his all particulars including date of birth was recorded in Sl. No. 177 of page No. 59. Contention of the management is that Form B register is a statutory register under the Mines Act and accordingly all particulars recorded therein are binding upon both sides. Therefore, at this stage the claim of the concerned workman could not be acceded to. If this fact is taken into consideration in that case there was no reason to issue service excerpt to the workman by the management with a view to give them last opportunity as stated by MW-1 to raise any objection about the date of birth and other particulars recorded therein. Therefore, the plea taken by the management in course of hearing finds no substantial value. On consultation of the I.D. Card register it transpires that along with particulars of the concerned workman recorded therein reference number of the Form B Register wherein also the particulars of the concerned workman were recorded was referred to, as "Form B No. 187". On consultation of Form B Register it transpires that name and particulars of the concerned workman in the Form B Register were recorded in Sl. No. 41 and not in Sl. No. 187. MW-1 during his evidence disclosed that as the original Form B Register was not traceable management by issuing a

notification directed to prepare a new Form B Register and accordingly on the basis of the notification this Form B Register was prepared in the year 1992 marked as Ext.M-1. Management, however, is silent actually how the particulars of the concerned workman in the new Form B Register were recorded particularly when the original Form B Register was missing, and if at the time of making entries in the new Form B Register they asked the concerned workman to produce relevant papers in support of his date of birth or not. This witness further admitted that in writing particulars including date of birth of the concerned workman in the new Form B Register mixed ink used not only but also no signature of the concerned workman was obtained acknowledging correctness of the entry made therein. Ld. Advocate for the management raised strong objection about the claim of the concerned workman based on two points viz. (1) that the concerned workman raised objection for correction of his date of birth at the fag end of his service and (2) that his name appearing in the School leaving certificate as well as in the admit card appears to be different. From the school leaving certificate and admit card it transpires that the name of the concerned workman is written as "Raish Tiwary" while name of the concerned workman is "Rahish Tiwary". Excepting wrong recording of name other particulars including father's name and address appears to be written correctly in the school leaving certificate as well as in the admit card. Ld. Advocate for the management in support of his claim relied on two decision reported in 2001 Lab I.C. page 28 and 2001 Lab I.C. page 1400. In the said decision Their Lordships of the Hon'ble Apex Court observed clearly that it is settled principle of law that at the fag end of career a party cannot be allowed to raise a dispute regarding his date of birth. The decisions as referred to above speaks clearly that in no circumstances such claim for rectification of date of birth be entertained if any such dispute is raised at the fag end of his service. Therefore, submission of Learned Advocate for the management definitely based on correct footing. There is also no dispute to hold that the name of the concerned workman recorded in the official papers differs from his name recorded in the School leaving certificate as well as in the admit card. But if the evidence of WW-1 is taken into consideration it will expose clearly that after receipt of the service excerpt he submitted representation to the management on 9-9-87 marked as Ext. W-4/1 not only but also in the service excerpt he raised similar objection. MW-1 during his evidence admitted that fact. Thereafter the concerned workman submitted representation to the management on 12-5-95 and 27-11-95 on the self same issue and copies of the representations during his evidence were marked as Ext.W-4, W-4/1, W-4/2. Therefore, in no circumstances there is any scope to say that at the fag end of the service the concerned workman raised dispute over his age. On the contrary it speaks clearly that long before being superannuated from his service he raised the objection but management did not consider necessary to

take any appropriate step either for hearing the concerned workman to establish his date of birth or to send him to Apex Medical Board for re-assessment of his age. As per JBCCI circular it is clear that valid school leaving certificate or Matriculation certificate if produced by the workman should be considered as valid document to accept the date of birth recorded therein if the said certificates are issued prior to his joining in the service. If the school leaving certificate marked as Ext. W-1 produced by the concerned workman is disbelieved in that case there is no scope to disbelieve admit card issued by Bihar School Secondary Examination Board was issued in the name of the concerned workman for his appearance i.e. long before his joining in his service. This admit card in the Matriculation examination during the year 1967-68, concerned workman admitted that he could not pass that examination. Whether he passed that examination or not is not material fact to be considered here because of the fact that admit card issued by the Board should be considered as authentic document until and unless the same is established as manufactured document for consideration of his date of birth recorded therein. Therefore, according to JBCCI circular date of birth recorded in the Admit card should be considered as genuine one. No cogent evidence is forthcoming on the part of the management to the effect that admit card which the concerned workman relied on is forged and manufactured one and accordingly there is no scope to question about the genuinity of the admit card. However, in course of hearing Ld. Advocate for the management submitted that the name of the candidate appearing in the admit card does not tally with the name of the concerned workman and for which same cannot be relied on. It is fact that instead of Rahish Tiwary name in the admit card is recorded as Raish Tiwary. Excepting this mistake all other particulars including father's name have been recorded correctly not only in the admit card but also in the school leaving certificate. The concerned workman had the scope to rectify this clerical error appearing in the admit card taking up the matter with the Board but for some reasons or so he did not take any such venture. No evidence is forthcoming that father of the concerned workman had any other son named Raish Tiwary. Therefore, there is scope to draw inference that Raish Tiwary and Rahish Tiwary are the same and identical person.

7. As per BCCI Circular it is obligatory part of the management to send a workman to the Medical Board for assessment of his age if the said workman is illiterate and fails to produce any authentic document in support of his date of birth at the time of his entry in the service. In the instant case it transpires that the concerned is a literate person. Therefore, the obligatory part of the management was to record the date of birth of the concerned workman on perusing School Leaving Certificate and admit card particulars when it transpires clearly that he appeared in the Matriculation examination in the year 1967-68 or to

send him to Apex Medical Board for assessment of his age if they were doubtful about the name recorded in the Admit card as the name of the concerned workman or not. The representative of the workman in course of extending argument submitted that there was no impediment on the part of the management to send the concerned workman to Apex Medical Board for assessment of his age when the concerned workman on receipt of the service excerpt raised his objection in writing as far back as in the year 1987 if the management was in doubt about his name appearing in the Admit card as well as in the School Leaving Certificate.

It is admitted fact that date of birth of the concerned workman in the Form B Register was recorded as 17-9-41. Burden of proof accordingly rests on the management to establish relying on which documents said date of birth was recorded. MW-1 during his evidence admitted that it is mandatory on the part of the management to obtain signature of the workman in the respective column in the Form B Register with a view to acknowledge correctness of the particulars including the date of birth recorded therein. It is seen that management did not consider necessary to obtain signature of the concerned workman.

8. If all the aspects which I have discussed above are taken into consideration it will expose clearly that in this particular case management not only acted whimsically but also ignored the claim of the concerned workman inspite of raising objection relating to wrong recording of his date of birth in the Form B Register and other registers. No satisfactory explanation comes in on their part which circumstances compelled them to ignore the representations submitted by the concerned workman on different occasions. No satisfactory explanation also is forthcoming why they ignored the written objection made by the concerned workman in the service except for the purpose of reassessment of his age. Accordingly I hold that management illegally and arbitrarily before assessment of his age through Apex Medical Board superannuated the concerned workman ignoring his legitimate claim and for which he deserves reassessment of his age through Apex Medical Board following strict principle of medical jurisprudence. In the result, the following Award is rendered :

“The demand of the Union for alteration of the date of birth of Sri Rahish Tiwary, U.G. Munshi of Kuiya Colliery as per the Matriculation documents of Bihar School Examination Board is not justified in view of the observation made in the body of the Award. Management is directed to send the concerned workman to Apex Medical Board for assessment of his age complying with the strict guideline of medical jurisprudence within three months from the date of publication of the Award and decision of the Apex Medical Board in the matter of assessment of the age of the concerned workman should be binding

upon both sides strictly. If it is established as per report of the Apex Medical Board that the concerned workman named above was prematurely superannuated by the management in that case he will be entitled to get full employment benefit for the period in question.”

B. BISWAS, Presiding Officer

नई दिल्ली, 27 अक्टूबर, 2005

का.आ. 4353.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ मैसूर के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या आई डी-10/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-05 को प्राप्त हुआ था।

[सं. एल-12012/92/92-आई.आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th October, 2005

S.O. 4353.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 10/98) of the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Mysore and their workman, which was received by the Central Government on 26-10-05.

[No. L-12012/92/92-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE-560 022

Dated 17th October, 2005

PRESENT:

Presiding Officer, Shri A.R. Siddiqui

C.R. No. 10/98

I Party

The General Secretary,
State Bank of Mysore
Employees Union,
644/645, Avenue Road,
Bangalore.

II Party

The Chairman-Cum-Managing
Director,
State Bank of Mysore,
K.G. Road,
Bangalore.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/92/92-IRBI dated 19-1-98 for adjudication on the following schedule :

SCHEDULE

Whether the action of the management of State Bank of Mysore in denying promotion to Shri M. Ramanjulu to appropriate middle management, grade III/equivalent scale with retrospective service benefits is justified? If not, to what relief the workman is entitled.

2. The case of the first party workman represented by the State Bank of India Employees Union by its General Secretary as made out in the Claim Statement at Paras 2 to 10 is as under :

Para 2 : That the workman is a graduate in Engineering with a degree of B.E. in Civil Engineering. He also has to his credit post graduate degree in Arts and is also a degree holder in law.

Para 3 : During late 1960s when the construction of the bank's head office, multistoreyed building was taken up at KG Road, Bangalore, the bank appointed one Shri V.S. Ramacharya on contract basis as Civil Engineer. The workman was appointed by the Bank on a temporary basis for a three months as Works Supervisor w.e.f. 16th September, 1969 by an order dated 10th September, 1969 to discharge technical duties in the Bank. The tenure of employment of the workman was extended from time to time and by order dated 20th February, 1970 the workman was continued as Works Supervisor for a period of two years on a contractual basis. In the order of appointment issued to the workman the duties of the workman as Works Supervisor were stipulated as General Supervision and maintenance of :

- (a) Building, repairs, upkeep;
- (b) Water supply, storage and distribution;
- (c) Sanitary installations-flushing and plumbing and drainage system.

It was also prescribed that it was the duty of the workman regarding general sanitation of the entire building; General assistance with regard to work connected with maintenance of building, premises, fixtures, furnitures etc; Liaison work with the Corporation connected with the building maintenance. Any liaison work with any department of the Corporation, Government, etc, connected with the premises. Preparation of the final bills for the work in progress and supervision of the construction

to ensure that the work is being executed satisfactorily according to the specifications.

Para 4 : That contractual employment expired on 22nd February 1972. The Civil Engineer and other authorities in the Bank recommended that the Bank needs the services of the workman as Works Supervisor on a permanent basis and accordingly his services were extended and continued in the Bank. Whenever the question of appointing the workman as Civil Engineer was brought up before the authorities in the Bank the top management of the Bank was expressing that since so far appointment of an Engineer in permanent cadre has not been done in the Bank, the matter has been referred to the Central Office of the State Bank of India for a policy decision. The workman was under the circumstances continued without break, and his work performance was satisfactory. On 20th May 1972 the workman submitted a request to the bank to appoint him as Civil Engineer and confirm him in the service of the Bank on 20th May 1972. Immediately the bank terminated the contract of employment of the workman and instead of appointing him as a Civil Engineer appointed the workman by an order dated 24th May 1972 designated him as a Clerk. The order of appointment stated that nature of duties to be performed by the workman would be advised by the superintendent, Premised and Dead Stock Section, Head Office of the Bank. For repeated enquiries being made by the workman regarding his designation the bank was informing that clarification from the Central Office of State Bank of India are awaited and on receiving the clarification Engineering Cadre in the bank would be created and on the basis of creation of such cadre workman would be given appropriate grade, designation and scale of pay. In good faith, the workman accepted the appointment on the oral assurances of the Bank regarding creation of a separate Engineering cadre and appropriate placement and pay fixation. The workman was working beyond office hours to supervise the construction of head office building and he was performing the duties of the Civil Engineer and was doing all the works of Civil Engineer. By an order dated 24th January 1973 the workman was granted Special Allowance applicable to the post of a Head Clerk and designated as Clerk of Works. This was also stated to be pending a final decision on creation of engineering cadre. During March 1973 when the Bank's Engineer Shri V.S. Ramacharya who was working on contract basis went on leave and thereafter he never returned to the Bank's duty all the work of Civil Engineer that was being attended to by Shri V.S. Ramacharya were entrusted to the workman.

Para 5 : That at or about the year 1987 it appears that the Central Office of the State Bank of India advised the bank regarding the duties and responsibilities of various persons in the engineering cadre and admitted that clerk of works is a misnomer and they should be called Site Engineer. Further, Site Engineer has to work under the control and supervision of Civil Engineer of the bank. The workman has been performing the duties of Civil Engineer right from 1969. The grievance of the workman for grant of appropriate scale of pay and grade having regard to the technical and managerial functions that were being performed by the workman was being followed up by the first party with the Bank. During the year 1980 when instead of giving the post of Civil Engineer to the workman the Regional Recruitment Board of the Bank rejected the application of the workman on the ground that he is over aged, the workman filed writ petition No. 18793 of 1980 for suitable directions to the bank. In the said Writ Petition an undertaking was filed by the bank that no action would be taken in the appointment of Civil Engineer pursuant to the advertisement issued. Recording the undertaking of the Bank the writ petition was dismissed. Thereafter, in the year 1983 the post of Civil Engineer was upgraded as falling under officers cadre-Middle Management Grade Scale-II. However, no appointment was made to the said post. During the year 1984 the bank upgraded the post to Middle Management Grade Scale III and accordingly appointed two persons as officers in Middle Management Grade Scale-III and subsequently promoted them to Senior Management Grade Scale IV. At that stage when the workman represented to the bank to consider his promotion it was assured that his case would be considered internally in the bank without referring it to the Regional Recruitment Board.

Para 6 : That there was no possibility of the bank settling the dispute amicably, the first party initiated conciliation proceedings by approaching the Regional Labour Commissioner (Central) at Bangalore on 23-11-1995. During the conciliation proceedings the first party prayed that the workman should be promoted as Civil Engineer in Middle Management Grade Scale-III with retrospective effect and all the consequential benefits should be granted to him. On behalf of the Bank it was stated before the conciliation officer that the Bank is ready and willing to promote the workman as Civil Engineer in Middle Management Grade Scale III with retrospective effect subject to approval of the Central Office of the State Bank of India at Bombay and for this purpose sought three months time. Accordingly, agreement came to be reached in the conciliation proceedings on 30th April 1986 granting 3 months time to the Bank.

Para 7 : That the Bank went back on the agreement reached and continued to ignore the claims of the workman. That the premises and Dead Stock department of the Head office of the Bank has in the office note bearing No. PREM/2201 dated 27th December 1979 stated that since the retirement of Shri V.S. Ramacharya, the Civil Engineer of the Bank, the workman has been entrusted with various technical duties and he has been discharging his duties satisfactorily. As per the said office note, the duties discharged by the workman right from the date the workman joined duties are as follows :

Duties of Shri M. Ramanjulu :

I Supervision of Works :

1. Periodical supervision of the construction works of Bank's buildings,
2. Supervision of maintenance and repairs to the Bank's buildings.
3. Supervision of providing counters, partitions etc. at various branches.

II Scrutinising Estimates and Bills :

1. Scrutinising the estimates, submitted by the Architects for the construction of Bank's new buildings as well as the additions and alterations to the Bank's existing buildings.
2. Scrutinising the bills submitted by :
 - (a) the civil contracts for different Bank's new buildings,
 - (b) the plumbing and electrical contractors,
 - (c) the contractors for the furniture and counter.
3. Scrutinising the quotations and bills received from various branches in connection with annual maintenance repairs and other miscellaneous works.
4. Scrutinising the valuation of properties of various parties forwarded by SSI and A.F. Departments, H.O. in connection with grant of loan.
5. Scrutinising the estimates, bills, and valuation of building properties received from the Advances Department of Bangalore Branch in connection with grant of house loan to the staff members and also inspecting the buildings being constructed by them.

III Drawing up of Plans :

1. Preparing plans of new buildings to be constructed by the landlords at various centres for opening of our Branches.
2. Preparing sketch plan in connection with certain modifications and additions to the branch buildings.
3. Preparing Counter layouts for the new branches and rearrangements of counters at the existing branches of the Bank.

IV Liaison Works :

1. Meeting the City Corporation authorities in connection with sanctioning of plans and other matters pertaining to the Bank's Premises,
2. Contracting the Water Supply and Sewerage Board, Electricity Board etc., in connection with the Bank's work.
3. Approaching the Government Offices and other institutions in connection with the Bank's various works.

V Other Miscellaneous duties :

1. Inspecting buildings and suggesting necessary addition/alterations to the buildings to make them for opening of our branches at different centres.
2. In case of purchasing of existing buildings or site for the Bank, giving particulars of the same together with their value.
3. Ascertaining the usable carpet area of the leased buildings for payment of rent to the landlords.
4. Visiting the existing Branch premises (owned & leased) and
5. Attending to any urgent repairs to the staff training centre and other residential quarters taken by the Bank on lease basis.

That as a matter of fact the bank has by its letter dated 4-3-1991 communicated to the workman the duties prescribed by the Bank for Civil Engineer and all these duties and much more are being performed already by the workman from the time of his joining the services of the Bank.

Para 8 : That the bank did not implement the agreement reached in the conciliation proceedings held on 30-4-1986 in spite of several representations. Meanwhile, the appropriate Government referred cases of two persons working as Electricians-cum-

caretakers in the Madras main branch of the bank seeking identical reliefs to the Industrial Tribunal at Madras. The Industrial Tribunal at Madras made an award in favour of the workman before the said tribunal and directed that from the date of their entry in the services of the bank they should be treated as Officers and promotions should be granted to them to the higher scales and arrears of salary should be paid to them from 1973. Against the said award of the tribunal, the management filed Writ Petition No. 5924 of 1989, which came to be dismissed by the Hon'ble High Court of Madras. Writ Appeal No. 1032 of 1989 filed by the Bank was also dismissed by an order dated 15-11-1995 by the Hon'ble High Court of Madras. The award of the Tribunal in respect of Shri V.R. Veeraghavan and Shri K.R. Srinivasan thus became final and has been implemented by the Second party/bank.

Para 9 : That the first party made an application before the Conciliation Officer on 30th September 1991 claiming that the workman should be granted pay, salary arrears, seniority etc. as though workman was appointed in Middle Management Grade Scale-III or Scale equivalent thereto right from his date of entry into the bank's service and grant him promotions that he would have got on the basis that he entered Middle Management Grade Scale-III on the date of his entry into Bank's service and prayed for consequential reliefs such as arrears of salary, seniority etc., With interest at 10% per annum. Due to the intransigent stand of the management, the conciliation ended in failure and thereafter pursuant to the direction issued by the Hon'ble High Court of Karnataka in Writ Petition No. 20332 of 1997 present order of reference has been made. The first party has been diligently following the case of the workman and the workman has been denied the relief for long years only due to the acts of the Second Party.

Para 10 : That the workman has been performing the duties of an employee in Middle Management Grade Scale-III from the date he entered the services of the bank and the workman is entitled to be treated as having entered the services of the bank in Middle Management Grade Scale-III or equivalent cadre and for regulation of his seniority, wages, promotion and service benefits on that basis. The first party prays that this tribunal be pleased to answer the reference in favour of the workman and pass an award holding that the action of the management of State Bank of Mysore in denying promotion of Shri M. Ramanjulu to appropriate Middle Management Grade Scale-III/ equivalent scale with retrospective services benefit is not justified and further directing that the workman be treated as having entered the services of the bank on 22-2-1972 as an officer in the grade equivalent to

Middle Management Grade Scale-III and pay him arrears of salary, seniority, retrospective promotions from time to time on that basis and further directing the Second Party to pay the back wages and other service benefits with interest at 18 per cent from the dates the respective amounts became due until date of payment in the interest of justice and equity.

3. In its prayer column relief sought for is to pass award holding that the action of the management in denying promotion to the first party to Appropriate Middle Management Grade Scale-III/equivalent scale with retrospective service benefit is not justified with a direction to the management that the workman be treated as having entered the services of the management bank on 11-1-1972 as an officer in the said grade and pay him arrears of salary, seniority, retrospective promotions from time to time on that basis with back wages and other service benefits with interest at 18 per cent on those benefits retrospectively.

4. The management by its Counter Statement resisted the claim of the first party, firstly, on the ground that the dispute under Section 10 & 10-B is not maintainable since there is no dismissal, discharge or termination and mere chance of promotion is not a service condition with required adjudication by this tribunal. The management contended that the first party (workman) was under the direct control of the Civil Engineer of the Bank initially and then was under the control of the head of the department of premises and dead stock department of the bank, now called the premises department and the workman is still working under the direct control of the Chief Manager, Premises: that keeping in view the specialized qualification possessed by the employee (workman) an opportunity was extended to him during the year 1982 for considering his promotion to the officers cadre. The selection committee which interviewed him did not find him suitable for the officer's post. A Second opportunity was also given to him during the year 1991 for holding the interview to consider his case for promotion, however, he did not choose to attend the interview. Therefore, the workman having not utilized the above opportunity now, cannot claim that his case has not been considered for promotion by the management particularly when he accepted his appointment as a Clerk and has been functioning in that capacity ever since the date of his appointment. He cannot be granted retrospective promotion from the date of his entry into service as the courts can not substitute their discretion in the place of the decision of the departmental promotional committee who are the best judges to find out the suitability to any particular post while granting promotion to an employee. The management not disputing the fact that during the late 1960 when the construction of the banks head office multi-storied building was taken up in K.G. Road, Bangalore appointed one Shri V.S. Ramacharya on contract basis as an Engineer and on 16-9-69 appointed the workman for 3 months as 'Work Supervisor' to discharge technical duties

however, contended that the workman had to discharge the duties under the guidance of the said Ramacharya and that he was not entrusted with the work of Supervisory in nature though was to discharge the duties of general supervision, maintenance of building upkeep, water supply, storage and distribution and sanitary installation, flushing, plumbing and drainage system as admitted by the workman himself at para 3 of the Claim Statement. However, the above said work was to be discharged by the first party under the direct supervision of Civil Engineer (Shri Ramacharya). The management further contended that after the above said contractual employment of the workman expired on 22-2-1972, on the recommendations of the Civil Engineer and the other authorities in the bank, services of the workman were extended and continued in the bank but denied the contention that whenever the question of appointing the workman as Civil Engineer arose, the authorities of the bank were expressing that the matter of appointment of an engineer in permanent cadre has been referred to the Central Office of the State Bank of India for a policy decision. The management admitted that on 20-5-1972 a request was made to appoint workman as the Civil Engineer but it could not be done, he being in service on contract basis however, he was offered an appointment in the Clerical cadre and that was accepted by him. Since then he is working under the control of the head of the Premises department. The management denied that the workman accepted the appointment as a Clerk on the oral assurances of the bank regarding creation of a separate engineering cadre and appropriate placement and pay fixation however, not disputing the fact that by an order dated 24-1-1973 the workman was granted special allowance applicable to the post of head clerk and was designated as a Clerk of works. It denied that during the year March 1993 when Shri V.S. Ramacharya went on leave all the work of the Civil Engineer was being attended by the workman and that at or about the year 1987, the Central Office of the State Bank of India advised the bank regarding the duties and responsibilities of various persons in the Engineering cadre admitting that 'Clerk of Works' is misnomer and they should be called Site Engineers working under the control of Civil Engineer. While, answering the contentions in para 5 of the Claim Statement, the management contended that through the Regional Recruitment Board (RRB), the bank advertised the recruitment for post of Civil Engineer in the Bank during the year 1980, the workman applied for the said post but his application was rejected on the ground of 'overage'. The management admitted that the workman filed a Writ Petition in WP 18793/80 and the management took the decision at that point of time not to go in for a direct recruitment to the post of Civil Engineer pursuant to the said advertisement and therefore, writ petition was dismissed; that considering the requirements of the bank of Civil Engineers having experienced with higher grade, in the year 1984 two posts of Civil Engineers were created and direct recruitment was made and that there was no up

gradation of the post to MMGS-III but those officers were promoted to SMGS-IV. While admitting the contention that the workman initiated conciliation proceedings on 23-11-85 making the demand for promotion with retrospective effect and consequential benefits, the management however, denied that before the conciliation officer it made a commitment to promote the workman as Civil Engineer in MMGS-III as demanded by him taking 3 months time for doing the needful and that thereafter the management went back on the said premise and continued to ignore the claim of the workman. It also denied that the management did not implement the agreement reached in the conciliation proceedings held on 30-4-86 contending that there was no such agreement. The management denied the contention that the workman has been performing the duties of an employee in MMGS-III from the date he entered into the services of the bank so as to be treated as having entered the services of the bank in MMGS-III or equivalent cadre and other benefits. Lastly, the management contended that the present dispute is not maintainable since the workman claimed the relief to treat him to the supervisory cadre.

5. During the course of trial, the management examined one witness as MW1 said to have been working as Deputy General Manager (IR) and got marked 24 documents at Ex. M1 to M24. His statement in examination chief is as under :

"I know the first party. I know the facts of this case. First party initially was working in Premises and Dead Stock Department. First Party was appointed on contract basis at the first instance, and the tenure of the employment was extended from time to time. Ex. M-1 is the Appointment Order. At the initial stage the workman was under the direct control of the head of the Department of the Premises and Dead Stock Department of the Bank. At the time of appointment first party was not a graduate in Engineering, he had only qualification of CE. Ex. M2 is a representation given by first party for promotion stating that he has completed graduation in Engineering. Bank had given an opportunity to the first party for considering his promotion to the officers Cadre. Ex.M3 is the advise given to first party. Ex.M4 is a publication in newspaper. When the first party initially appeared for interview he was not suitable for the promotion post. For the second time he did not consent and did not appear for interview and therefore, question of denying promotion as alleged by him does not arise. Ex.M5 is the minutes of JCC committee. Ex M6 is minute of discussion. The case of the first party was considered in Ex. M5 and it was said by the management that the first party was not doing supervisory work. Ex. M7 is the agenda placed before

Executive Committee dated 24-5-1980, Ex. M8 and 9 are the list given details of work showing duties of Civil Engineer. Ex. M10 is the letter of State Bank of India, Central office, stating that the relaxation of the age cannot be considered as per Government decision. The pattern of Interview committee is given as per Ex. M10. Ex. M11 is the copy of Writ Petition filed by the first party. Ex. M11 are the series of Annexures of the Writ Petition. Ex. M12 is the criteria regarding qualification, which consists of 4 pages. Ex.M13 is the note submitted by the Manager regarding promotion. Ex.M14 is the list of selection of engineers. Ex.M15 is the Assessment report of interview committee. Writ Petition was dismissed on undertaking by the management that it will not go for Civil Engineers in open market. Ex. M16 is the copy of the order of the High Court. Ex. M17 is the agenda. Ex.M18 is the approval order. Ex. M19 is another Agenda. Ex. M19 policy of promotion for the existing staff is stated. Ex.M20 is the policy for promoting Assistant Civil Engineers. Ex. M21 is the circular of instructions to the branches. Ex. M22 is a call for interview dated 1-7-1982. Ex. M23 is the officers service regulation book. Ex. M23 (a) & (b) are the relevant rules. Ex. M24 is the list of Seniority giving all details. The first party did not give consent and did not appear for interview for considering the promotion. Other two employees were recruited as clerks and subsequently they were promoted. It is not possible for the bank to consider the case of promotion to the higher cadre without coming in order of grades in the higher cadre. First party was not doing the duty of supervisory work or engineering work. In the conciliation proceedings management did not agree to consider the case of the first party. Civil Engineers post was upgraded to Grade II. The case of the other employee at Madras is not relevant for this case. Only, because the employee claims that he is discharging the duties of particular grade, benefits of that grade cannot be given without following requisite procedure."

6. The first party on his part filed an affidavit by way of his examination chief and got marked as many as 52 documents at Ex.WW1 to WW52 (ought to have been Ex.W1 to W52) and documents with sub numbers. His averments in affidavit upto paras 24 are almost the repetition of his contentions in Claim Statement and from paras 25 to 32 and at paras 42 to 47, he has given further details of the various duties he discharged as Civil Engineer under the management bank. I would like to refer to the statements of MW1 and the first party in their cross-examination and the documents marked in their deposition as and when it is relevant and necessary.

7. Learned counsels for the respective parties have submitted their written arguments reiterating their respective contentions with the help of oral and documentary evidence brought on record. Learned counsel for the first party relied upon the following citations in support of the aforesaid arguments :—

1. 1990 (1) LLJ Page 240 at Para 8
2. 1982 (1) LLJ Page 33 at Para 6
3. 1988 (2) LLJ Page 211 at Para 4
4. 1994 (3) SSC 510
5. 1992 (1) LLN 1032
6. 1961 (1) LLJ at Para 18 = AIR 1967 SC 428
7. 1993 (2)(Supp.) SSC 374
8. 1982 (1) LLJ Page 33 at Para 6
9. 1993 (2) (Supp.) SSC 374

8. Whereas, learned counsel for the Second party took support of the following decisions to prove his point :—

1. 1987 AIR Page 1889 at Para 5
2. 1993 (II) LLJ Page 662
3. 2003 (7) SCC Page 239 at Para 6
4. 1991 AIR Page 1244 at Para 12
5. 1974 (1) LLJ Page 301 at Para 6

9. Keeping in view the oral testimony and the documentary evidence brought on record and the fact that neither party did not dispute the correctness and genuineness of documentary evidence brought on record on their side, the facts undisputed rather admitted emerged out are that the first party was appointed as 'works supervisor' w.e.f. 16-9-69 temporary for 3 months to assist the Senior Civil Engineer (Shri V. S. Ramacharya) working with the bank on contract. His services were extended periodically on contract basis upto May 1972 to attend to various technical work of the bank. Being satisfied with the performance of the workman discharging technical/supervisory duties, his name was recommended for appointment as Civil Engineer on permanent roll of the bank to look after the day today duties under the said Sr. Civil Engineer and Head of the department. Accordingly, the workman was absorbed on the permanent rolls of the bank w.e.f. 24-5-72, however, designating him as a 'Clerk' to perform the same technical/supervisory duties. From the evidence brought on record, it should be further seen that the management decided to place the workman in the existing avenue of clerical cadre temporary till clarifications and clearance were obtained from the Central Office of the State Bank of India to place him at appropriate technical cadre which was not existing in the bank at that time.

Pending approval of the technical cadre, the bank granted the workman 'special allowance' equivalent to that payable to a Head Clerk w.e.f. 1-9-72 as he discharged technical/supervisory duties and other responsibilities attached to him in the bank. It is again not disputed and cannot be disputed in the light of undisputed documentary evidence produced by the workman that after the Civil Engineer (Shri Ramacharya) on contract with the bank retired in June 1973, all the duties of Civil Engineering were being performed by the workman keeping in view his professional qualifications as a work supervisor holding the diploma in Civil Engineer (LCE). It again goes undisputed that during May 1980 the bank obtained the approval of the executive committee for appointment of Civil Engineer to be placed in the GMGES-I through the Regional Recruitment Board and the workman was advised by the bank to apply for the Civil Engineer post through the said board so as to consider his name for promotion on the basis of the interview held by the said board. However, unfortunately the application of the workman was rejected by the board on 26-8-80 on the ground that he was 'over aged' by 3 years. The case of the workman was recommended to the RRB, Madras for the relaxation of the age of the workman so as to consider him for the post of Civil Engineer. The State Bank of India, Central Office by its letter dated 30-9-1981, however, did not consider the case of relaxation of the age of the workman. It is on the record that in the meanwhile an advertisement was taken up by the management calling for the applications of the candidates for recruitment to the post of Civil Engineer. The workman approached the High Court of Karnataka by filing a writ petition on 30-9-80 to quash the notification of RRB which stipulated the age restriction. When the case came up for hearing on 9-4-81, the management submitted to the high court that appointment will not be made pursuant to the said advertisement and that a way out will be found to call for the workman for the purpose, of interview. Based on this submission, the high court dismissed the writ petition leaving all the contentions of the workman including the right of promotion, open. It appears that (it is again based on records) thereafter in 1982, an interview was conducted but to his misfortune, the workman was not selected. It is to be seen from the records that it is at this point of time the bank stipulated a condition that if the workman opts to appear for the interview he will have to forego his claim for promotion in general cadre even if he is not promoted as Civil Engineer and this appears to be the reason the workman was not considered for his next immediate promotion in normal course of his service otherwise by way of interview. From the voluminous and documentary evidence produced by the workman and not disputed by the management it can be very well gathered that though the workman was not selected as Civil Engineer in the said interview he was allowed to continue to perform the same Civil Engineers duties earlier entrusted to him. This fact is further evident from the minutes of Executive Committee

held on 24-5-80 where under an approval was also sought to recruit Civil Engineers through Central Recruitment Board (minutes of the meeting are produced by the management itself). It is again a fact which cannot be disputed by the management that the post of Civil Engineer was upgraded to MMGS-II vide Executive Committee memorandum agenda item No. 1 dated 11-1-83 and then it was upgraded to MMGS III in 1985 vide executive committee memorandum dated 9-5-85 up to which time undisputedly the workman was entrusted with and was performing the very same duties prescribed for the Civil Engineers post which was upgraded as MMGS-III. It is further a fact not to be denied that his performance in the technical line has been found satisfactory all along without giving any room for the complaint from any corner. It is again not in dispute that in the middle of 1985 two Civil Engineers were appointed in the bank in the cadre of MMGS—III for performing the very same technical duties which were being performed by the workman. These two engineers again have been promoted to MMGS IV on completion of 5 years of their services. It is not in dispute that conciliation proceedings were initiated by the workman before the Regional Labour Commissioner (C) in 1985 and they came to be closed in the light of the undertaking given by the management that case of the workman will be considered and a decision will be communicated to him before 30th June 1986. It goes undisputed that no further action was taken by the management in the light of the understanding arrived at between the parties before the RLC (C). Therefore, the case of the workman in nut shell put forth before this tribunal is that he being highly qualified person holding a professional qualification of BE (Civil) required for the Civil Engineer post and had been discharging his duties technical and supervisory in nature since from the date he was appointed till he retired from service, the action of the management in not providing him any promotion at any point of time during the course of 32 years of his service was not only illegal but against the principles of natural justice, particularly, when the workman discharged the duties satisfactorily all alone without any sort of complaint against him. His contention is that first of all for no good grounds he was not selected for the post of Civil Engineer when interview was conducted for the said post in the year 1982 and thereafter his request to be considered for the said post was turned down by the management in the year 1983, 1984 and 1985 for the reason that he was 'over aged'. His request to relax the condition of age as per para 529 of the Sastry Award again was not considered though above said provision in the Sastry award was invoked for the purpose of relaxation of age by the State Bank of India belatedly in the month of December 1997 by which time it was too late for the workman to get the relief of promotion being pursued and sought for by him all along invoking the above said provision in Sastry Award, itself.

10. It is the further case of the workman that when the management held an interview in the year 1991 putting

a condition of 5 to 6 years of service by the employee to be considered for the post of JMGS-I. He made representation to the effect that he has been put in service of 22 years of service as on the date and what is the provision of his promotion having regard to tenure of his service. Therefore, his contention is that he did not choose to appear for the said interview as it was not meant for a Senior employee like him who have been considered for the post of MMGS-III grade and not of JMGS-I. Therefore, the first party submitted that even if he was not selected in the interview held in the year 1982 and there after was not found to be eligible for the above said post on the ground of 'overage' and then failed to participate in the interview held in the year 1991, his right of promotion cannot be denied and curtailed even otherwise in the normal course of his employment as there cannot be any post in management without providing an opportunity of promotion whatsoever.

11. Whereas, learned counsel for the management in his argument repeated the contentions of the management taken in the Counter Statement and vehemently argued that there was no right of promotion available to the workman except by the way of selection held in the year 1982 and thereafter in the year 1991. He contended that workman failed in the year 1982 and did not give his consent for the interview held in the year 1991 and thereby lost his right or a chance of promotion. He contended that when the workman accepted the appointment of the Clerk, he cannot seek a right of promotion as a Civil Engineer, that too, when he was not eligible for the said post being 'overaged' and his request to relax the condition of the age being turned down by the management. He contended that for doing his technical duties the workman was being paid special allowance and therefore, since he discharged technical or supervisory duties that too under a Civil Engineer initially and thereafter under the premises department, he cannot by way of right seek the promotion as a Civil Engineer, merely, because he possessed the required qualification of BE (Civil) for the said post. He contended that workman has already retired from service and therefore, there is no scope for this tribunal calling upon the management to consider his case of promotion as this tribunal is not supposed to grant relief of promotion having no opportunity to assess the performance and suitability of the workman to do so. He contended that the first party in fact intimated to the management of his qualification of BE (Civil) in the year 1995 as could be seen from his documents at Ex. WW7 (a) and (b). In the last, he submitted that dispute itself is not maintainable as question of promotion cannot be said to be an Industrial Dispute.

12. After having gone through the records, I do not find much substance in the arguments advanced for the management. As could be seen from the records, undisputedly no one was appointed as Civil Engineer till 1985 after the said Ramacharya retired from service in the

year 1973. The various documents before this tribunal, marked on behalf of the workman as well as the documents marked on behalf of the management also would make it abundantly clear that it is the workman who was performing all the Civil Engineer duties such as Supervision of Construction of the buildings, preparation of plans, estimates and bills, certifying the bills of several lakhs for payment, inspection of strong rooms, issuing fitness certificates, suggesting improvements, addition and alteration of the bank building, valuation of properties and all other technical/supervisory works related to Civil Sanitary Water Supply, electrical installation, erection etc. These are all the facts substantiated by way of documentary evidence produced by the workman at Ex. WW18, 19(a) to (e), 20, 21 & 22 (a) to (f), 23 (a) to (h), 24 (a) to (j), 25 (a) to (g) and WW 26 and the oral testimony of the workman on these points is not challenged and controverted in his statement in cross examination for the management. The other documents produced by the workman to support the fact that he was discharging the aforesaid duties are WW 33 (a) to (g), 37 (a) to (e), 38 (a) to (d), 41 (a) to (g), 42 (a) to (e), 43 (a) to (c), 44 (a) & (b), 45, 46, 47, 48, 49 (a) to (c), & WW 50 (a) to (p). The genuineness of which again was never disputed by the management. Therefore, from the records and the facts undisputed already noted above, it becomes crystal clear that the workman was discharging duties of Civil Engineer in MMGS-III cadre. The fact that in the year 1985 the bank forwarded the application of workman to RRB for consideration for the post of Civil engineer in MMGS-III cadre is a pointer that he was eligible for appointed as Civil Engineer in the said cadre. If at that point of time and thereafter the workman has been entrusted with the duties of Civil Engineer as indicated in the above said memorandum, it would be legally tantamount of his having performed technical duties of supervisory nature and therefore, he deserved reexamination of his claim as Civil Engineer. His case was also not considered when out of the two Civil engineers in the bank, one passed away on 6-2-95 and thereafter the post was kept vacant despite the fact that the workman was all along doing and discharging the duties of Civil Engineer till he retired from his services. The stand taken by the management that the workman has got no right but a chance of promotion which he could not avail having failed in the year 1982 and not giving consent for interview in the year 1991, in my opinion, is no justification for the management to deny the promotion to the workman to the Civil Engineer post. First of all it is not revealed and the workman was not informed as to why he failed in the interview held in the year 1982 particularly, when it is not the case of the management that his performance was not satisfactory or that he was not found suitable for the job for one reason or the other. On the other hand as can be seen from the records, the workman was discharging his duties covering almost all the aspects of the Engineering Department as could be gathered from the documents already referred to and produce by the

workman. The management contention that the workman did not avail the opportunity of attending the interview held in the year 1991 is again devoid of substance. It is on the record that the workman made a representation when he was called upon to attend the said interview consent stating that the said interview was being held for selection of the employees put in service of 5 to 6 years period to be considered for the Scale-I Post and not for the Scale III Cadre. There was nothing wrong on the part of the workman in not attending the interview when he had already put in 22 years of service and was eligible to be selected as a Civil Engineer MMGS-III cadre. That apart nothing prevented the management not to consider the case of the promotion of the workman in the regular course of his employment. It is not the case of the management that from the post of a clerk there is no avenue for promotion to the cadre of the officers. It is also not the case of the management that the workman was not found suitable for promotion as an officer from his post of clerk when in fact he was discharging much more responsible duties of his Civil engineer. The denial of the promotion to the workman on the ground of 'overage' was again not justified. The workman made several requests by way of making applications to relax the condition of the age in the light of clause 529 of Sastry Award and his request was turned down simply on the ground that circular in that regard had been drawn. First of all no such action on the part of the management can be justified when there was specific Clause in 529 of Sastry Award to relax the condition of age in deserving cases. It is yet to be explained by the management as to why it did not use its discretionary power in relaxing the condition of age in the case of the workman. In the light of the above said clause in Sastry Award which clause admittedly was invoked by the management in the year 1997 and onwards. The condition imposed by the management that the promotion of the workman will not be considered if he intended to attend the interviews to be held for selection of Civil Engineers post was again very much unreasonable and against the principles of natural justice. Therefore, denial of promotion of the workman in the regular post of the employment even if he was not selected attending interview for the said purpose or in not attending the interview, in my opinion was not in the spirit of rules of natural justice particularly, when there was no adverse remarks against the workman and he was discharging his duties throughout to the best satisfaction of his higher ups. Their Lordship of Supreme Court in the aforesaid decision reported in 1982 Lab IC 33 laid down the principle that the Industrial tribunals are intended to adjudicate industrial disputes between the management and the workmen, settle them, and pass effective awards in such a way that industrial peace between the employers and the employees is maintained so that there can be more production to benefit all concerned. It is further held that tribunals are not to be constrained by the formal rules of law and should avoid inability to arrive at an effective award

to meet justice in particular dispute. Therefore, in the light of the above said principles of law, the contention of the management that this tribunal is not supposed to give promotion to the first party workman as he has already retired from service and there is no scope for the management to reconsider his case is not tenable. The principle laid down by their Lordship of Supreme Court in a decision reported in AIR 1989 SC 1972 as argued for the workman must also come to his rescue. In the said case also promotion of Civil Engineer was not considered for a period of 20 years though he was highly qualified Engineer being a Diploma in Engineering initially and then passing Bachelor of Engineering Degree, subsequently. In the instant case, the workman has put in 32 years of service holding diploma in Engineering (LCE) while joining the service and passed BE examination some where in the year 1980. As observed by their Lordship of Supreme Court in the said case, in the instant case also it is a sad commentary on the management side. It is held by their Lordship that the person is recruited by the organization not just for a job but for a whole career and therefore, one must be given an opportunity of advancement. The opportunity of advancement is a requirement of progress of any organization and it is an incentive for personal development as well. The facts involved in the aforesaid decision applied to the facts of the present case in much more force as the workman was not given a single promotion from the post of the Clerk till he retired from service, that too, completing 32 years of service to the full satisfaction of the management. Their Lordship of Supreme Court in a decision reported in AIR 1988 SC 1033 laid down the principle that reasonable promotional opportunities should be available in every wing of public service to generate efficiency in service and to foster the appropriate attitude to grow for achieving excellence in service and otherwise the service is bound to degenerate and stagnation kills the desire to serve properly. In the instant case though the workman was denied promotion longing for it all along but one must appreciate his patience in not being disappointed at any point of time. Despite the denial of the promotion, as could be seen from the documents produced by him till he retired from service, he went on discharging his duties as a Civil Engineer without any grudge and grumble. The contention of the management that he has not discharged the duties of Civil Engineer appears to be too much in the face of the documents produced by the first party and the documents produced by the management itself. Wherein, he has been described as a Civil Engineer in many of the correspondence taken by the management itself (referred Ex. WW16, 88, 33, 34, 41 (a) to 44 (a) to (d)). The fact that the workman did not discharge any sort of duty sitting in the bank as a Clerk except attending the technical and supervisory duties of a Civil Engineer is again not disputed in this case. The fact that he has been paid special allowance, that too, on the ground that he was discharging technical duties must be a circumstance sufficient to

dislodge the contention of the management that the workman did not discharge the duties of technical and supervisory in nature which were supposed to be discharged by the Civil Engineer. The workman to support his case has also produced before this tribunal an order dated 17-11-89 passed by the High Court of Judicature at Madras in W.P. No. 5124 of 89, which incidentally involved the two employees of the present management. In the said case those employees initially were appointed as Electricians-cum-caretaker in a management building coming under the award staff. They were appointed in the year 1971 but were denied promotion and the supervisory scale on the ground that they belonged to award staff. Those two employees were successful in the Writ Petition by obtaining the order of the Madras High Court in getting the relief i.e. the relief of supervisor scale sought for. The appeal preferred by the management against the order in writ petition was also dismissed and thereafter the management was bound to extend the Supervisory Scale to the aforesaid two employees. The facts in the above said case more or less are akin to the facts of the present case. In the instant case the workman though was appointed being given a designation of Clerk but the management was extracting from him the duties of the Civil Engineer. He worked as a 'Works Supervisor' despite being appointed as a Clerk he did discharge the technical and supervisory duties like the one being discharged by the Civil Engineer. It is yet to be disputed by the management that when the above said V. S. Ramacharya retired, it was the workman who discharged the duties of Civil Engineer, which were being discharged by the said Shri V. S. Ramacharya as Sr. Engineer.

13. Learned counsel for the management in support of his contention that the courts are not supposed to appreciate the performance and suitability of the workman for the post of promotion and it is the job of the management to do so, relied upon a decision reported in AIR 1987 SC 1889. In my humble opinion the facts involved in the said case can be distinguished from the facts obtaining in the instant case. If the workman was still in the service of the management then this court as argued for the management was not supposed to appreciate the abilities and suitability of the workman for his promotion as Civil Engineer. In such a case the proper course would have been to ask the management to consider the case of the first party for the post of Civil Engineer. In the instant case, the workman since has already been out of the service of the management, the hands of the court are not tied in granting the appropriate relief under the facts and circumstances of the case. It is in this context alone their Lordship of Supreme Court in the case referred to supra reported in 1982 lab SC 33 w laid down the principle noted above. The principle laid down by their Lordship of Supreme Court in a decision reported in 1993 II LLJ page 662 cited on behalf of the management again are not applicable to the present case

for the very same reasons. In fact in the instant case there is nothing for this tribunal to appreciate any adverse remarks passed against the workman. Here is the case where undisputedly there were no adverse remarks passed against the workman throughout his service. On the other hand his work was being appreciated by all concerned. The principle laid down by their Lordship of Supreme Court in a decision reported in 2003 SC cases 238 in fact, can be read against the management itself. Principle laid down in a decision reported in AIR 1991 SC page 244 are not at all applicable to the present case. The point involved in the said case was with regard to the seniority in between the direct recruits and the promotees. The contention of the management that the workman did not report his qualification of BE (Civil) till the year 1995 vide Ex. WW 7(a & b) is again not tenable. The very document produced by the management at Ex. M2 would falsify the above said contention. It is copy of the application dated 3-5-80 made by the workman wherein in no uncertain terms he made it clear that he passed the BE degree examination of the Bangalore University held in the month of February 1980. The contention of the management that the present dispute for promotion is not maintainable again lacks merits. Provisions of Section 2 K of the ID Act, which define the Industrial Dispute can be very well read in favour of the workman to maintain the present dispute. Moreover, if the management was aggrieved by the reference of the dispute to this tribunal, the only course available to it was to challenge the same before the competent forum. In fact the reference was denied by the Govt. of India in the first instance and it is under the directions of the High Court, the Govt. of India made the present reference. The fact that High Court thought it fit to issue directions to the Govt. of India to make the reference must put at rest the controversy that such a dispute is not maintainable before this tribunal. Therefore, viewed from any angle, the management is not justified in denying promotion to the workman and that its action in denying the promotion to the workman is illegal and invalid.

14. Now coming to the relief sought for by the workman, there is force in the arguments for the management that he is not entitled to be treated as having entered the services of the bank on 22-2-1972 as an officer in the grade equivalent to MMGS-III and to recover the arrears of salary and back wages including the promotion from the date of the entry into service. It is not in dispute that the workman was appointed as a Clerk in the year 1972 and therefore, it cannot be said that from the date of appointment itself he could be treated as an Officer in the above said MMGS-III cadre.

15. Now a question arises as to why and from what date the workman can be said to have got his notional promotion. Undisputedly, the first conciliation proceedings was initiated by the workman in the year 1985 claiming the relief of promotion. As could be read from the records,

there was an understanding between the parties before the conciliation officer that question of promotion of the first party will be considered and intimated to him before 30th April 1986. The fact that the workman initiated the Conciliation proceedings and those proceedings came to be closed on the aforesaid understanding has been very much admitted by the management at Para 10 of the Counter Statement. The fact that post of Civil Engineer was upgraded to MMGS-III in the year 1985 again has been very much established by the workman. It is also on record that in the year 1985 itself the bank appointed two Civil Engineers in MMGS-III for performing technical duties similar to the duties performed by the workman. Therefore, in my opinion the proper timing to promote the workman in MMGS-III cadre was the year 1985 when the bank appointed two Civil Engineers by way of direct recruitment. Therefore, the relief to be granted to the workman shall be from the year 1985 onwards so to say from the month of January 1986 onwards. Hence the reference is answered accordingly and following award is passed.

AWARD

The management is directed to treat the workman in MMGS-III/equivalent scale as having got the promotion on the said scale from 1-1-86 and shall pay him arrears of salary based on the said promotion w.e.f. 1-1-86 along with all consequential benefits. No order to cost.

(Dictated to PA, transcribed by her, corrected and signed by me on 17th October, 2005).

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 27 अक्टूबर, 2005

का. आ. 4354.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन. एफ. रेलवे के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, गुवाहाटी, असम के पंचाट [संदर्भ संख्या आई डी-15(सी) आफ 2001] को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-05 को प्राप्त हुआ था।

[सं. एल.-41012/45/2001-आई. आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 27th October, 2005

S.O. 4354.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award [I.D. No. 15(C) of 2001] of the Industrial Tribunal, Guwahati, Assam now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of N. F. Railway and their workmen, which was received by the Central Government on 26-10-2005.

[No. L-41012/45/2001-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE
IN THE INDUSTRIAL TRIBUNAL, GUWAHATI,
ASSAM

Reference No. 15(C) of 2001

PRESENT :

Shri B. Bora,
Presiding Officer,
Industrial Tribunal,
Guwahati

In the matter of an Industrial Dispute between :

The Management of
Chief Personnel Officer (Admn.),
N. F. Railway, Maligaon, Guwahati-11.

Versus

Shri Rana Pratap Das Roy,
Sr. Typist C. S. T. E., Maligaon

APPEARANCE :

Shri K. C. Sarma, Advocate : For the Management

Smt. M. Borah, Advocate : For the Workmen

AWARD

The Govt. of India, Ministry of Labour, New Delhi by a notification No. L-41012/45/2001/IR(B-I) dt. 7-9-2001 referred an Industrial Dispute between the management of Chief Personnel Officer (Admn.) N. F. Railway and their workman Shri Rana Pratap Das Roy on the following issue :

"Whether the action of the Management of N. F. Railway by not following the Board Order No. PC/111/91/UPG/1 dated 27-01-93 and by not giving promotion to Shri Rana Pratap Das Roy, Sr. Typist C. S. T. E./Maligaon is justified? If not, what relief the workman is entitled?"

On receipt of reference, a reference case was registered and notices were issued to both parties calling upon them to file their written statements/addl. written statements and documents, if any. In response to the notices both parties appeared in this court and filed their written statements. Both parties also adduced evidence both oral and documentary in support of their respective cases.

The case of the workman Shri Rana Pratap Das Roy in brief is that :

That Shri Rana Pratap Das Roy, Sr. Typist under Chief Signal and Telecommunication Engineer/N. F. Railway, Maligaon, Guwahati-11 for whose grievances this Industrial Dispute has arisen, is the workman in the instant case.

That having failed to receive any susceptible response from the management of N. F. Railway to the representation and personal approaches to the concerned authorities, the workman came to this union for raising the issue to the appropriate level for his redress for promotion and promotional benefits admissible under Railway Rules from the date as is admissible. The conciliation proceedings failed to arrive at a conclusion in resolving the dispute for granting promotion and granting promotional benefits to the aggrieved workman.

That owing to the restructuring benefit caused vide Railway Board's No. PC/III/91/UPG/1 dated 27-1-93 one post of Head Typist in the Chief Signal and Telecommunication Engineer's Office was created and according to Board's instruction the said post was to be filled in with effect from 1-3-93 and the resultant vacancy was to be filled up from that date proforma including payment of arrears.

That the said post was filled up by the management from 10-2-95 proforma vide order No. E/41/339(N) Pt-III dated 27-3-98 and one Smt. Bina Goswami, Hd. Typist was promoted as Chief Typist against the additional post created and the resultant vacancy occurred in the category of Sr. Typist was not filled up from 10-2-95 but from a letter date on 29-7-98 vide office order No. E/41/339(N) Pt. III dt. 29-7-98 by promoting Sri Rana Pratap Das, Jr. Typist, without granting him the benefit of proforma promotion. The workman Rana Pratap Das Roy preferred an appeal to the management asking relief in the matter of proforma promotion with effect from 10-2-95.

That the Management vide their letter No. E/41/339(N) Pt. III dated 10-8-98 informed the workmen that there was since reduction of the post in the category of Sr. Typist there could not have been any such claim entertainable.

That due to departure from the policy decision communicated by the Board vide their letter mentioned above in the matter of granting proforma promotion, the workman has been subjected to the losses as under :

- (i) Cumulative financial loss from 10-2-95 to 29-7-98 to the extent of 3 years increments from (due as on 10-2-96, 10-2-97, 10-2-98).
- (ii) The above loss reflected on fixation of pay which ultimately will cause permanent loss in the retirement benefits.

The workman Shri Rana Pratap Das Roy has prayed for an award in his favour.

On the other hand the case of the management in brief is as follows :

That, the suit is not maintainable in present form in law as well as in fact and is liable to be dismissed.

That, the statement made in para 1 of the petition filed by the workman is all matter of records and as such the management has nothing to comment about this.

That, the statement made in para 3 of the petition by the workman is totally false and hence denied by the answering management. In fact, the N.F. Railway authority has given reply vide G.M. (P)'s letter No. E/41/339 (N) Pt-III dated 10-8-98 to the petitioner.

That, the statement made in para-4 of the petition by the workman is not correct and denied. In this connection the answering management side stated that a Memorandum was issued by G.M. (P) MLG Vide No. E/41/339 (N) Pt-III dated 30-6-98 and SN-16 (I).

That, the statements made in para 5 of the petition by the workman are concocted stories they are far away from the truth. In fact, as a result of restructuring of Typist cadre w.e.f. 1-3-93, no additional post of Sr. Typist was upgraded. Rather, that was abolition of one post in the grade due to reduction in percentage from 42.5% to 35%. Shri N.C. Das, Jr. Typist against one chain vacancy of Hd. Typist w.e.f. 1-3-93, Sri R.P. Das Roy, Jr. Typist who is the petitioner in this case was not promoted as Sr. Typist as there was no upgraded post/chain vacancy of higher grade w.e.f. 1-3-93 available. Mr. R. P. Das Roy was promoted w.e.f. 27-3-98 vice Sri K.P. Sonowal, Sr. Typist who transferred in the Cipher Cadre.

That, the statement made in para 6 of the petition by the petitioner is about his appeal before the N.F. Railway authority. In this connection the management states that the authority has given reply vide No. E/41/339 (N) Pt-III dated 10-8-98 to the petitioner.

That, in regard to the statement made in para-9 of the petition by the workman the management denies that the authority have violated the principle of natural justice. In fact, the Railway authority have acted based on Railway Board's directive.

The management has prayed for an award in its favour.

The workman in his evidence stated that he has been working in the office of the C.S.T.E, Maligaon since 2002. In 1993 one post of Head Typist was created in the said office and as per Board's instruction the said post had to be filled up w.e.f. 1-3-93 and the resultant vacancy had to be filled up from the same date. But the resultant vacancy was filled up w.e.f. 10-02-95. One Smt. Bina Goswami was promoted to the post. The workman claims that he should have been promoted in the resultant vacancy of Sr. Typist as a result of promotion of Smt. Bina Goswami. Instead, he was promoted to the post of Sr. Typist w.e.f. 29-7-98. He claims promotion from 10-02-95 with all benefits of such promotion.

The Management on the other hand vide its Letter No. E/41/339 (N) Pt. III dt. 10-08-98 (Anex-A) of the Management informed the workman that as a result of the restructuring of Typist cadre no additional post of Sr. Typist in the S & T Deptt. was created/upgraded. Rather, there was abolition of one post in the grade due to reduction in percentage from 42.5% to 35%.

By the said letter it was made very very clear that for this reason, the question of giving promotional benefit to the workman does not arise.

From the Annexure-B of the Management can be seen that the stand taken by the Management is bona fide. It can be seen that earlier to the restructuring of Typist cadre in the S & T Department there were 4 Nos. of Sr. Typist which has been reduced to three. This was done by the Railway Board as a matter of policy decision. From Annexure-A of the union it can be seen that the Union tried to show that due to such creation of additional 2 posts from 1-3-93, two resultant vacancies occurred in category of Sr. Typist but one post was abolished in the category of the Sr. Typist. The workman claims his proforma promotion in the said resultant vacancy with effect from the date of promotion of Smt. Bina Goswami i.e. from 10-2-95.

The claim of the workman for proforma promotion to the post of Sr. Typist w.e.f. 10-02-95 is seemed to without merit. For getting promotion to upper grade an employee must qualify himself. For instance—He must not only be seniormost but the other most important factor to be created is merit.

For assessing the seniority and merit the A.C.R. and service Roll of the employee are to scrutinized by the Authority. The authority must be satisfied regarding the suitability of the employee for his promotion.

Moreover, no employee of any Department of the state can claim promotion as a matter of right. For seeking any redress in this regard in a court of law or a Tribunal it must be shown that the employee has been victimised or deprived of his promotion capriciously. If no such a case can be made out, the employee can not expect the Court/Tribunal to help him.

In the case in hand, the workman even did not make any attempt to show that he was the seniormost in his cadre as on 10-2-95 i.e. on the date of promotion of Smt. Bina Goswami.

Moreover from the circular of the Railway Board it can be seen that all vacancies arising from 2-3-93 will be filled up by normal selection procedure (Clause 4.3 of the circular).

Promotion to a post, proforma or otherwise, can not be claimed retrospectively unless a strong case of victimisation can be shown. This being the position, the case of the workman is seemed to be without merit.

Given under my hand and seal on the 6th day of Sept., 2005.

B. BORA, Presiding Officer

नई दिल्ली, 27 अक्टूबर, 2005

का. आ. 4355.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ मैसूर के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बेंगलूर के पंचाट (संदर्भ संख्या आई डी-56/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-05 को प्राप्त हुआ था।

[सं. एल.-12012/173/2004-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th October, 2005

S.O. 4355.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 56/04) of the Central Government Industrial Tribunal/Labour Court. Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Mysore and their workman, which was received by the Central Government on 26-10-2005.

[No. L-12012/173/2004-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 21st October 2005

PRESENT:

Shri A. R. Siddiqui, Presiding Officer

C.R. No. 56/04

I PARTY

Shri Puttaramaiah,
(Since Deceased
represented by his LR's),
No. 179, 2nd Main,
SBM Colony,
Banashankari I Stage,
BANGALORE-560050

II PARTY

The General Manager (HRD),
State Bank of Mysore,
Head Office, VII Floor,
K. G. Road,
BANGALORE-560028

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10

of the Industrial Disputes Act, 1947 has referred this dispute vide order. No. L-12012/173/2004 (IR (B-I) dated 16th November 2004 for adjudication on the following schedule :

SCHEDULE

“Whether the management of State Bank of Mysore is justified having dismissed Shri T. Puttaramaiah, Ex. Head Cashier, from service vide order dated 31-3-2001 ? If not, what relief the workman is entitled to and from which date ?

2. One Shri ANR filed power for LR's of the deceased Shri T. Puttaramaiah, (the workman involved in this case) along with an application at IA-1 to bring his LR's on record. Application was allowed and the LR's were permitted to prosecute the proceedings. Shri R. Narayana filed power for the management. Thereafter from 5-1-05 till 9-3-05 case came to be posted for filing of the Claim Statement by the LR's of the deceased but they failed to do so. Then the case came to be posted for Counter Statement, if any, to be filed by the management.

3. The management filed its Counter Statement and among other grounds contended that for the misconduct committed by the deceased workman, a charge sheet dated 26-5-1997 was issued and thereafter a DE was conducted against the deceased workman. After conducting the enquiry, the enquiry officer submitted his findings holding the workman guilty of the charges except for transaction dated 23-9-95. Thereupon, the disciplinary authority after having given an opportunity of hearing to the workman, passed AN order dismissing him from service on 31-3-2001. It was also contended that enquiry was conducted in accordance with the principles of natural justice.

4. In the light of the above said contentions of the management, this tribunal thought it proper to frame a Preliminary Issue on the point as to “Whether the DE conducted against the first party by the second party was fair and Proper” and thereafter, the case was posted for the evidence to be led by the management. It is at this stage, one of the 4 LR's of the deceased workman, viz his son, T.P. Ramesh (L R No. 2) appeared before this tribunal and filed a memo bearing the signatures of other LR's and the advocate representing them stating that the dispute between the parties has been settled out of court in terms of compromise and therefore, it may be dismissed as withdrawn. Hence in the light of the above said memo following award is passed.

AWARD

Reference stands dismissed as dispute settled out of court in terms of compromise.

(Dictated to PA transcribed by her corrected and signed by me on 21st October 2005).

A.R. SIDDQUI, Presiding Officer

नई दिल्ली, 27 अक्टूबर, 2005

क्र. आ. 4356.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लि. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार लेबर कोर्ट, एर्नाकुलम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-10-05 को प्राप्त हुआ था।

[स. एल.-20040/86/94-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 27th October, 2005

S. O. 4356.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal as shown in the Annexure. in the Industrial Dispute between the employers in relation to the management of Hindustan Petroleum Corp. Ltd. and their workman, which was received by the Central Government on 25-10-05.

[No. L-20040/86/94-IR(C-I)]
S. S. GUPTA, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM

(In the Labour Court, Ernakulam)

Tuesday, the 29th day of March, 2005

PRESENT:

Sri K. K. Utharan, B. Sc., LL.B., Presiding Officer

Industrial Dispute No. 3 of 1997 (Central)

BETWEEN:

The Regional Manager, Hindustan Petroleum Corporation Ltd., Tatapuram, P. O. Ernakulam.

AND

The workmen of the above concern Sri K. R. Vijayan and 2 others, Kunnath House, Irimpanam P. O., District Ernakulam, Cochin-682309.

REPRESENTATIONS:

M/s. Menon & Pals : **For Management**
Advocates, Ernakulam.

Sri P. Nandakumar : **For Workmen**
Advocate, Ernakulam.

AWARD

This reference was made by the Central Government as per G. O. (Rt) No. L-20040/86/94-IR (COAL-I) dated

27-12-1995. The dispute is between the Management of Hindustan Petroleum Corporation Ltd. and their workmen. The dispute referred is :

"Whether the claim of S/Shri K. R. Vijayan, M. T. Sunil and M. C. Francis that they were illegally retrenched w.e.f. 9-6-92 by the Management of Hindustan Petroleum Corporation Ltd., Cochin and that they are eligible for regularisation by the management is justified? If so, to what relief are the concerned workmen entitled?"

2. The workmen filed claim statement raising the following :

The workmen were employed by the management at Cochin Refineries Tank Wagon Gantry from the year 1986 onwards. The workmen were doing works like categorisation of tank wagons, checking filled tank wagons, witnessing sealing of each wagons, preparation of loading statement of wagons in the loading memo issued by the management, sending telegrams daily to various depots of the management indicating wagon number, product gauge, collecting Railway Receipts from Railway Yard etc. as per both oral and written instructions of the officers of the management. The wagons are filled by the employees of Cochin Refineries Ltd. for Indian Oil Corporation, Hindustan, Petroleum Corporation and Bharath Petroleum Corporation, among them I. O. C. being acting as a Coordinator. The Management were employing the workmen to check their filled wagons and also of S. P. C. for which, it appears, there is an agreement between them. Nearly 500 wagons are shipped to various depots of these companies from the Cochin Refinery.

Since the work site is very near to FACT (Cochin Division) where Ammonia Gas, Sulphur Dioxide etc. are omitted and the workmen had to do 8 hours continuous work, a representation was submitted by the workmen on 4-11-1986 to the Hon'ble Minister for Petroleum and Natural Gas for regularisation and other welfare amenities and therefore ESI and Provident Fund were sanctioned to them.

The workmen have been making representations to the management to regularly absorb them into service as they were doing work of a permanent nature for the past several years continuously. They have also registered their names in the local employment exchange on 1-5-87 for considering their candidature in the services of the management as and when vacancies arise.

During the year 1991 it was understood by the workmen that they are likely to be retrenched and therefore they represented before the management on 5-2-91 requesting to permit them to continue in service, since by that time they had gained considerable experience in Tank Wagon checking and other connected works and at that time they have crossed age bar to seek any public employment. The workmen, thereafter, were allowed to

continue for some more period. The request for regularisation were again made before the management on 27-5-92. On 9-6-92 the workmen were virtually thrown out of service. Immediately on 13-6-92 the workmen represented before the Hon'ble Minister for Petroleum and Natural Gases. But since they did not receive any reply the above industrial dispute was raised.

The workmen have six years continuous service with the management. Their works were of permanent nature, including on holidays, for 24 hours with three shifts. The workmen were controlled by the Deputy Manager, Ambalamugal office of the management company. They were given service benefits like ESI, Provident Fund, Family Pension etc. by the management for which contributions were recovered and remitted by the company.

None of the requirements prescribed under Section 25F of the Industrial Disputes Act, 1947 were complied with by the management. They were neither given one month's notice in written/wages in lieu of such notice or compensation for retrenchment. The retrenchment of the workmen by the management is therefore liable to be declared illegal. The works done by the workmen is at present being done by the officers of the management company.

The workmen since are overaged they will not get any public employment. All the workmen belong to O. B. C. and therefore they have also a preferential claim apart from their legitimate legal claim. The workmen therefore respectfully pray that the management be directed to re-employ the workmen and regularise their services with the company.

It is therefore an award, may be passed.

- (a) declaring that the retrenchment of the workmen by the management company with effect from 9-6-92 is illegal.
- (b) direct the management company to re-employ the workmen and regularise their service with all attendant benefits.
- (c) to pass such other directions as this Hon'ble Court may deem fit and proper in the circumstances of the case.

3. The workmen filed counter statement raising the following :

The regularisation of service of employees is the prerogative of the management and it cannot be subject matter of an Industrial Dispute. Regularisation of service could be claimed only by employees directly engaged by the management. The persons involved in this dispute were never engaged by the management and were engaged by a contractor who had been given the contract for checking the tank wagons loaded on the management account and

carry out certain other jobs as mentioned in the contract entered into between the contractors. So they cannot make a claim for regularisation of their service under the management. The demand raised regarding retrenchment is also not maintainable as against the management. Since the persons concerned were never been under the employment of the management, such as issue cannot be raised against the management. The management is not a necessary or proper party to such a dispute. In the absence of the concerned employers in the party array, the dispute is not maintainable. The dispute raised is not an industrial dispute in view of the definition of the term in Sec. 2(k) of the Industrial Disputes Act. As already submitted the real employers of the persons raised the dispute are not party to the reference, so the reference is not maintainable against the management as the management is not a necessary or proper party to the dispute.

4. It is humbly prayed that the management may be deleted from the party array. Even according to the claim statement the persons concerned were thrown out of service in the year 1992. The dispute has been referred for adjudication in the year 1997. It is submitted that the Government should not have referred such a belated dispute for adjudication. The persons who raised the dispute were never employed by the management. The Central Government is the appropriate Government only in respect of the employees of the management, so the reference made by the Central Government is without jurisdiction. The validity of the reference may be heard as a preliminary issue before going into the merits of the case.

5. The Hindustan Petroleum Corporation Ltd., is a Government of India Enterprise. The management is having sufficient number of permanent workmen in its rolls to do the works which are of perennial in nature. The total strength of permanent workmen is 3. The management has one of its locations named CRL. Top near Cochin Refineries Ltd., Cochin falling under the administrative jurisdiction of Cochin Regional Office. At CRL TOP, the management has been provided hospitality arrangements by the Cochin Refineries Ltd. According to the hospitality arrangement the tank wagons and tank trucks are loaded by the Cochin Refineries Ltd. at the CRL Oil siding at Cochin with petroleum products for despatching the same to the various establishments of Indian Oil Corporation/Hindustan Petroleum Corporation Ltd./Bharat Petroleum Corporation Ltd., Here Cochin Refineries Ltd., the management is having a small office known as CRL-TOP were seven numbers of management employees, 2 nos. of clerical employees and one peon of the management are sitting. The management employees of CRL-TOP co-ordinate with CRL/IOC with regard to loading of tank wagons on account of the management and despatching the same. The loading of tank wagons is done by CRL employees as mentioned above. The management is not required to engage and has not been engaging any permanent employee in the

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workman category for filing the tank wagons at CRL-TOP. However, since the wagons are loaded by the CRL employees at the centralised loading gantry, management had been engaging a contractor for checking the tank wagons loaded on management's account and carrying out certain other jobs as mentioned in the contract and the contractor in turn used to engage 2-3 persons for performing those activities taken on contract by him. The above jobs need to be carried out only after the loading of the tank wagons was completed by CRL employees and therefore was of intermittent nature.

The corporation had awarded the contract to Sri Jacob Mamman prior to 1-6-1988. The contract was awarded to Sri P. T. Jacob during 1-6-1988 to 31-5-1991 and subsequently Sri A. G. George was a contractor for the period 1-8-1991 to 31-7-92. After July 1992, the management has not engaged any contractor and the activities of checking wagons etc., for which the contractor was engaged earlier are being handled directly by the officers. The persons who raised the above dispute were engaged by the above mentioned contractors at different points of time, during the period they were directly working under the direct supervision and control of the concerned contractors. They were paid by the said contractors. There was no employer-employee relationship between the above persons and the management in any way.

The averment in para 2 of the claim statement that the workmen were employed by the management at the Cochin Refineries tank wagon gantry from the year 1986 onwards is totally incorrect. They were never engaged by the Corporation. They were engaged by the contractor who has been awarded to contract for checking the tank wagons loaded on the management's account and carrying out certain other jobs as mentioned in the contract. The further averment that they were doing the work under the instructions of the officers of the management is totally incorrect. They worked under the direct control and supervision and as per the instructions of the concerned contractors. From the averments in the claim statement itself will show that the workmen have admitted that they were engaged for checking the wagons of Bharat Petroleum Corporation Ltd., also which itself shows that they were not fully engaged for jobs of management under the contractor. The contractor has also taken similar contractors for other companies also. The workmen were also doing similar works for other companies also. The workmen were engaged by the contractors for carrying out various jobs for various companies as per the directions of the contractors. Since there was no employer-employee relationship between the workman and the management, the management is not in a position to say anything regarding the nature of work done by the workmen and their number of years of service etc. as mentioned in the claim statement. It is true that they were enrolled under the ESI and P. F. only because of the requirements of the said

statute. The contract employees are also covered under the said statute. The Provident Fund and E. S. I. amounts were deducted from the bill amount of the contractor and directly remitted by the management to the concerned authorities. Since the contractor did not have separate P. F. number. The management being the principal employer was only ensuring the compliance of statutory provisions by the contractor.

In the absence of employer-employee relationship between the management and the workmen concerned the management is not bound to comply with the provisions of Sec. 25 of the Industrial Disputes Act. It is not admitted that the workmen have completed 240 days of service in an year under the concerned contractors. Even assuming that they have continuous service, the contractors are liable to comply with the statutory provisions. The management has not retrenched the workmen and therefore there is no question of declaring it as is at present being done by the officers of the management company.

The management being the Government of India undertaking it has its recruitment policy framed as per the guidelines of Government of India, BPE and presidential directives in the matter of reservation for SC/ST/OBC and it has to follow its recruitment rules and procedures in the matter of recruitment. As per the recruitment policy of the management, all the position in the non-management category are required to be notified to the local employment exchange and selection is made from amongst the candidate sponsored by the Employment Exchange on merit, subject to their fulfilling the recruitment norms of the Corporation and they are found to be medically fit. The management has no vacant labour category position available in CRL-TOP and the workman do not meet the recruitment criteria of the management. As such the management cannot and is not illegally bound to give employment to the workmen. Being a Government of India enterprise equal opportunity in the matter of employment will have to be extended to all seeking employment under the management. The person involved in this dispute were employed by the contractors. That will not confer on them any preferential claim to be appointed in the service of the management. There are large number of unemployed persons who are waiting for opportunity in the matter of employment. If the reference is answered in favour of these persons, the opportunity of the candidates who are waiting for public employment will be curtailed. This will be violative of the Constitution principles.

The abolition of the Contract Labour System of Labour and absorption of the workers could be decided only under the provisions of the Contract Labour (Regulation and Abolition) Act, 1970 under the forum provided under the Act and no industrial dispute can be raised before the Labour Court of Industrial Tribunal for that purpose. The facts alleged in the claim statement which are inconsistent with or contrary to the statements made

hereinabove are denied as if the same had been regularly set out and specifically traverse. The workmen are not entitled to get any of the reliefs as prayed for in the claim statement.

It is therefore humbly prayed that this Hon'ble Court may be pleased to uphold the contentions of the management and pass an award holding that the claim of the workmen they were illegally retrenched with effect from 9-6-1992 by the management and that they are eligible for regularisation by the management is not justifiable and they are not entitled to get any benefit from the management.

4. The workmen filed rejoinder raising the following :

The statements contained in para 3 of the counter are not correct and hence denied. Since the management company had utilised the services of the workman for long period continuously, now they cannot turn around and say that regularisation of service of employees is their prerogative. As a matter of fact, it is also a right of the workman who were working for the management company for long period to claim regularisation and it is within the purview and authority of the Labour Court to examine whether there is any violation. The entire works done by the workmen were for the management company and hence the dispute is maintainable only against the management company.

The statements contained in para 4 of the counter are incorrect. After having fully utilised the manpower of the workman, the management company cannot now get away and seek deletion from the party array. The workmen were not keeping idle after they were thrown out of service on 9-6-92. On 13-6-92 itself, the matter was represented before the Honourable Minister for Petroleum and Natural Gases. The matter was promptly followed by the help of local Parliament Member. Since no reply was forthcoming, a dispute was raised on 8-10-93. The management company filed their version only on 4-4-94 and the failure report by the Assistant Labour Commissioner (Central) Ernakulam, was sent only on 30-9-94. The dispute was referred by the Government of India by order dated 29-12-95. But even then since the matter was not sent to Labour Court, Ernakulam, the workmen filed O. P. No. 19548 of 1996 before the Honourable High Court of Kerala. By judgment dated 10-2-97 the O. P. was disposed of after recording the statement of the Secretary of Labour Court, Ernakulam that the matter has been taken up. Thus it can be seen that there was no delay or laches on the part of workmen in prosecuting the above dispute. Though the claim statement was filed as early as on 19-5-97 the counter statement was filed only after one year on 28-7-98 by the management which shows the attitude of the management company.

The statement contained in para 5 of the counter are not correct and hence denied. During the period when the workmen were serving for the management company, there were only 3 officers and 2 clerks in the office CRL-TOP and

the wagon checking were done by the workmen. It is not correct to state that the management is not required to engage and has not been engaging any employees in the workmen category. These jobs were done by the workmen as aforesaid. The statement that the works were of continuous nature for 24 hours every day with three shifts including holidays & Sundays. The filling is done in wagons stationed as four tracks continuously, usually with 25 wagons in each tracks. The workmen were engaged at wagon loading area to perform the checking and allied works. The office of the company is situated outside the Cochin Refinery premises, 3 Kms. away from the workspot, for which even no transportation facility was made available. Nearly 400-450 wagons are shipped to various depots of the management company as well as to Bharat Petroleum Corporation every day from Cochin Refineries Limited. The work area is very near to FACT (CD) where Ammonia, Sulphur Di-Oxide, etc. are produced. It was in these hazardous circumstances that the workmen were doing 8 hours continuous work. Based on the representation of the workmen dated 4-11-86 to the Honourable Minister for Petroleum and Natural Gases, Chairman of Hindustan Petroleum Corporation Limited dated 26-10-86, E. S. I. and Provident Fund were sanctioned to the workmen. The pattern of work of the workmen consisted of (1) Categorisation of Tank Wagon (2) Checking of filled products, (3) Witnessing of Seal (4) Preparing statement of Wagons after each shifts (5) Sending telegrams to various depots daily indicating wagon numbers, Gauge Quantity, Temperature etc., (6) Truck Sealing (7) R. R. Collecting etc., Therefore the workmen were doing continuous work for the management company and the statement contra in the said paragraph is denied.

The statements contained in para 6 of the counter are not correct. The workmen were directly under the control and supervision of the officers of the management company. They were given both oral and written directions by the officers of management company to do their works in a particular manner. The E. S. I. and Provident Fund Contribution were directly remitted by the company in respect the workmen.

The statement contained in para 7 of the counter false and hence denied. The workmen were working for the management company from 1986 onwards till 9-6-92. As stated earlier the workmen were given both oral and written directions by the officers of the management company in the matter of their duties. The wagons of the Bharat Petroleum Corporation were being checked by the management company as per a hospitality arrangement between them.

The statement contained in para 8 of counter are incorrect. The workmen were engaged only for the services of the management company and therefore they alone are liable to comply with the provision of S. 25 of the Industrial

MW1 has not denied the case of workman that they do work for the management company. MW1 is not quite sure whether the workmen in this case were doing the work of the management company. MW1 has also deposed that after 1991-92 the work done through the contractors have been done by the officers of the management company that means that the workers had been doing the work under the supervision of the management company. In short the Management Company directly doing his work by the workers after 1991-92. The management has no case that these workmen were not doing the work after 1991-92. This further strengthen the case of the workmen that they have been doing the work under the management directly atleast from 1991-92. The definite case of the workmen is that they

were directly appointed by the management in the year 1983 on daily wages and monthly salary were given to them since 1986 onwards and no written appointment orders were given to them at the time of appointment in 1983. But the contention of the management is that they do not make any recruitment in daily wages work category and that the staff of the worker category is recruited through the Employment Exchange and reservation norms are observed in the appointments and written appointment orders were given to the daily wages workers at the time of appointment. But the above contention of the management is nullified the management itself. MW1 has deposed in cross-examination which reads as follows: "Management company

എന്നു Daily wages-ൽ ജോലിക്കാർക്ക് കൊടുത്തു. management staff ഉൾപ്പെടെ അറിയിച്ചത് Daily wages ന് അനുസരിച്ചു കൊടുത്തിരുന്നു. അവരെ കൊടുത്തതിന് Interview നടത്തിയിരുന്നു. Reservation പാലിച്ചിരുന്നു എന്നറിയിച്ചു. Daily wages-ൽ കൊടുക്കുന്നവർക്ക് written appointment order കൊടുക്കുന്ന പരിരൂപമായിരുന്നു. Daily wages ക്കാർക്ക് Cash അയച്ചത് ശമ്പളം കൊടുത്തിരുന്നു. Voucher രേഖിച്ച് നൽകിയിരുന്നു. Daily wages ക്കാർക്ക് PF അടയ്ക്കുകയായിരുന്നു. എന്നറിയിച്ചു. ESI അടച്ചിരുന്നതായി അറിയാം. അങ്ങനെ Daily wages-ൽ കൊടുക്കുന്നവരിൽ ചിലരെ ചീഫ് Regularise ചെയ്തിട്ടുണ്ട്. ഇപ്പോൾ മുമ്പായിട്ട് Bhopal office-ൽ Deputy manager (Finance) അയച്ചിരുന്നു K.R. രാജു Daily wages-ൽ തയ്യാറായിട്ട് ചീഫ് Regularise ചെയ്തെടുത്തതാണ്. അന്ന് അദ്ദേഹം കമ്പനിയിൽ Daily wages-ൽ തയ്യാറായിട്ടുണ്ട്. അന്ന് Daily wages-ൽ തയ്യാറായിട്ട് Interview-യും നടത്തിയിരുന്നു. അന്നത്തെ manager-ൽ നിന്നാണ് Daily wages-ൽ vacancy ഉണ്ടായി അറിഞ്ഞത്. Daily wages-ൽ അന്ന് തയ്യാറായിട്ട് appointment order കിട്ടിയിരുന്നു. "

The above testimony of MW1 proves the case of the workmen that they were directly recruited by the management by the daily wages and no written appointment orders were given to them at the time of their appointment in daily wages.

10. It is also the contention of the management that for wagon checking they used to give contract to different contractors for different periods and the workmen were working under those contractors. The management produced Exts. M1 and M2 document to prove the above contention. But according to the workmen M1 and M2 are fabricated documents created for the purpose of these cases. The learned counsel for the workmen would argue that the stamp papers which are used for writing Exts. M1 and M2 were purchased after the retrenchment of the workmen and Exts. M1 and M2 are concocted documents. Exts. M1 and M2 are written in stamp paper. The original of Exts. M1 and M2 are photo copies. The management has not produced the original. The photo copies of the other side of the stamp papers (Exts. M1 and M2) from where we would have the information regarding the original of the stamp papers such as its date of purchase, who was purchased the same. But the management did not produce the photo copies of the other side of the stamp paper. The management has also not produced the originals of Exts. M1 and M2 or atleast the other side of the stamp papers. (Exts. M1 and M2) MW1 has deposed that the original of M1 and M2 is with the management. So the inference is that if the original of M1 and M2 are produced it would adversely affect the case of the management. These circumstances would show that there is substance in the above argument of the learned counsel for the workmen. It has come out in evidence that the workmen were doing work of wagon checking for 9 years from 1983 to 9-6-1992. According to the Management the workmen were doing the above work on contract basis, but the management produced contract agreement only for 2 years that too the photocopies. The Management has not produced any piece of paper in respect of the rest of 7 years. MW1 has also deposed that the workmen were working the wagon Gantry of the Oil Refinery from 1983 to 9-6-1992 continuously. The counter affidavit filed by the management says that the contract was awarded to Sri Jacob Mammen prior to 1-6-1988 and from 1-6-1988 to 31-5-1991 to Sri P. J. Jacob and from 1-8-91 to 31-7-92 to Sri A. G. George. So from 1-6-91 to 31-7-91 there was no contract for wagon checking. Therefore even according to the management the workmen were doing the work under the management. The learned counsel for the workmen would argue that the persons whose names are shown as contractors are ex-employees of the management; MW1 has deposed that the contractor Jacob Mammen and P. T. Jacob were the retired employees of the management company and A. G. George is the retired Deputy Manager of BPCL, the sister concern of the management company. The management did not engage

the above said 3 contractors especially as the case of the workmen is that they were working directly under the management and the management's case is that the workers were working under the management.

11. The learned counsel for the workmen would argue that the names of the contractors appointed for the same period contradict each other which shows that the management's case that the workmen were working under the contractors and not under the management company is false. In the counter affidavit, the management has stated that the contract was awarded to Joseph Mammen prior to 1980. But MW2 has deposed in cross examination that from 1-6-1986 to 31-5-1986 the contract was given to one Mammen Varghese. This shows that there is substance in the above argument of the learned counsel for the workmen.

12. As per Ext. M1, the contract was given to do the work which was already done. MW1 has deposed that the Rules of the management company does not allow to give contract to do the work already done. Nobody can do the work which is already done. Ext. M1 says that the agreement of contract has entered on 28-6-1989, but at para IX of Ext. M1 it says that their contract shall be in force for a period of one year from June 1, 1989. This would show that Ext. M1 is not a true one. Similarly in the case of security amount from the contractors the management remitted to deposit only a meagre amount as security which is unreasonable. MW1 has deposed that above Rs. 5 crores worth petroleum products has been transported from the wagon Gantry of the management company per day. So the amount involved in the work done by the contractor in a year comes to Rs. 1825 crores. But the security amount sought from the M1 contractor for one year is only Rs. 1100 and Ext. M2 contract which is only Rs. 3,000. It is quite unreasonable and unbelievable that Rs. 5,000 or Rs. 3,000 is the reasonable security for doing a job involving Rs. 1,825 crores per year. This also would show that the awarding of contract is a fabricated one to defeat the workman in this case. In this case from 1986 onwards the workmen raise claim and regularisation under the management and the latest claim by Ext. W1 dated 5-1-1991. But the management allowed the workmen to continue the work for management and the management had paid P. F. contribution of the workmen for that period also. These circumstances also would show that the workmen in this case are the employees of the management company. The E. S. I. and P. F. contributions were paid by the management in its capacity as the employer. Ext. M9 would show that the P. F. and E. S. I. contributions of the employees and employer were paid by the management as employer and not as principal employer.

12. The learned counsel for the workmen would argue that the norms of the management company does not permit the management to award contract to any person who does

not have P. F and E. S. I. accounts. Exts. W10 and W11 are two newspaper cuttings inviting applications for awarding contract for the similar works under the management on two occasions. Ext. W10 the New Indian Express dated

18-5-99 and Ext. W11 is the Hindu dated 3-9-2001 would show that the management would not give contract to any person who does not have P. F. and E. S. I. account. MW1 has deposed in cross examination that

• നമ്മുടെ Contractorക്ക് PF account ഉണ്ടായിരുന്നു. എന്ന് എനിക്ക് അറിയില്ല. മൂന്ന് ചുരുക്ക കവലട്ടങ്ങൾ ഉണ്ട് PF account ഉണ്ടാക്കുവാൻ Contract കൊടുത്തിരുന്നു. എന്ന് എന്ന് എനിക്ക് അറിയില്ല."

This shows that one of the essential conditions of awarding contracts, this contracts must have P. F., and E. S. I. accounts and the management will not award contract to anybody who do not have P. F. and E. S. I. account. So P. F. and E. S. I. contribution of the workmen in this case paid by the management as employer and not as principal employer. According to MW1 the workers engaged by the contractors are strangers to the management. And they will not permit strangers to carry official papers of the management. MW1 has deposed in cross-examination that Exts. W2 to W5 are the official papers of the management which are prepared and signed by the workmen during the course of their employment. This also strengthen the case of the workmen that they were workers of the management.

13. The next question to be considered is whether the workmen worked for more than 240 days in a year and the retrenchment is legal or illegal. MW1 has admitted that the workmen had worked for more than 240 days in a year from 1983-1992. MW1 has deposed in cross-examination that the workmen in this case worked from 1983 to 9-6-1992 in the Wagon Gantry of the CRL for the management. Admittedly no retrenchment notice was given to the workmen by the management and no retrenchment compensation were also given to the workmen. There is also for valid reason for retrenchment also. It is also the case of the workmen that the work done by the workmen are of continuous and perennial. MW1 has deposed as follows:

വി. 24.
മനിയുടെ 24 മുതൽ 240 വരെ വാഗൺ ഗേറ്റിൽ പെട്ടെന്ന്
goods നിറച്ചിരുന്നു. നമ്മുടെ നമ്മുടെ ഫീലിംഗ്
വെച്ചിരുന്നു. മൂലം 24 മുതൽ 240 വരെ പറ്റാത്തതിൽ
മുഴുവൻ ജോലി ചെയ്തിരുന്നു. "

It has also come out in evidence that the management has regularised some of the daily wages workers. So the management has to consider to regularise the workmen in this case. In the circumstances and for the above discussion I find that the retrenchment is illegal. Therefore the workmen are entitled to be reinstated in the service of the management as daily wage workers. But the workmen are not entitled to get any backwages.

In the result, an award is passed holding that the retrenchment of the workmen is illegal and direct the management to reinstate the workman in service as daily wage workers.

This award will take effect one month after its publication in the Official Gazette.

Ernakulam.
29-3-2005

K. K. UTHARAN, Presiding Officer

APPENDIX

Witness Examined on the side of the management :

MW1 — Hendry

MW2 — P. M. Varghese.

Witness Examined on the side of the workman :

WW1 — Sri K. R. Vijayan.

Exhibits marked on the side of the management :

Ext. M1 — Photocopy of contract dated 18-6-89.

Ext. M2 — Photocopy of contract dated 11-7-1991.

Exhibits marked on the side of the workman :

Ext. W1 — Copy of petition submitted by the workman before the Gen. Manager (Marketing) HPCL dated 5-2-91.

Ext. W2	— Copy of Loading memo prepared by Ist workman dated 1-6-92.
Ext. W3	— Copy of loading memo prepared by IInd workman dated 29-5-92.
Ext. W4	— Daily Wagon Loading details prepared by the 3rd workman dated 19-12-1991.
Ext. W5	— Monthly details of tank wagon movements on HPCL prepared by the workman dated 30-5-92.
Ext. W6	— Memo issued by Sri K. S. Unni Operation Officer HPCL to the workman dated 12-3-92.
Ext. W7	— Copy of letter submitted by its workman to the Manager HPCL dated 4-6-92 along with Telegram receipts.
Ext. W8	— Copy of letter of Sri P. C. Thomas M. P. to the Senior Regional Manager, HPCL dated 8-6-92.
Ext. W9	— Copy of certificates issued by Asst. Accounts Officer EPF.
Ext. W10	— Paper cutting dated 18-5-99.
Ext. W11	— Paper cutting dated 3-9-2001.
Exhibits marked on either side :	
Ext. XI	— File No. 8(1)/44-ALC Emakulam.
Ext. XI(a)	— Photocopy of General contract dated 5-5-1999.

श्रम और रोजगार-मंत्रालय

नई दिल्ली, 3 नवम्बर, 2005

का. आ. 4357.— जबकि भारतीय नाभिकीय विद्युत निगम लिमिटेड (भाविनी लि.) (जिसे इसके पश्चात् उक्त प्रतिष्ठान कहा गया है) ने उपदान संदाय अधिनियम 1972 (1972 की 39) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 5 की उप-धारा (1) के अंतर्गत छूट प्रदान किसे जाने हेतु आवेदन किया है।

और जबकि केन्द्रीय सरकार की राय में, भारतीय नाभिकीय विद्युत निगम लिमिटेड कर्मचारी उपदान योजना, 2004 के अंतर्गत देय उपदान लाभ, जो कि उपदान लाभों के संबंध में भारतीय नाभिकीय विद्युत निगम लिमिटेड के कर्मचारियों के लिए लागू हैं, उक्त कर्मचारियों के लिए उक्त अधिनियम के अंतर्गत प्रदत्त लाभों से कम लाभदायक नहीं है;

अतः अब उक्त अधिनियम की धारा 5 की उप-धारा-1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार भारतीय नाभिकीय विद्युत निगम लिमिटेड को निम्नलिखित शर्तों के अधीन इस अधिसूचना के प्रकाशन की तिथि से पांच वर्ष की अवधि के लिए उक्त अधिनियम के उपबंधों के प्रचालन से निष्कांकित शर्तों पर छूट प्रदान करती है; अर्थात् :

- (i) यदि भारतीय नाभिकीय विद्युत निगम लिमिटेड कर्मचारी उपदान योजना, 2004 के कार्यान्वयन के संबंध में कोई विवाद उत्पन्न होता है तो उक्त अधिनियम के अंतर्गत नियंत्रण प्राधिकारी और अपीलीय प्राधिकारी के पास उक्त अधिनियम के उपबंधों के अनुसार हस्तक्षेप करने और निर्धारित शक्तियां होंगी; और
- (ii) केन्द्रीय सरकार की लिखित पूर्वानुमति के बिना भारतीय नाभिकीय विद्युत निगम लिमिटेड हेवी इलैक्ट्रिकल्स लिमिटेड कर्मचारी उपदान योजना, 2004 निधि में कोई परिवर्तन नहीं किया जाएगा।

[संख्या एस-42014/04/2004-एस एस-II]

संयुक्ता राय, अवर सचिव

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 3rd November, 2005

S. O. 4357.— Whereas the Bhartiya Nabhikiya Vidyt Nigam Limited (BHAVINI Ltd.) (hereinafter referred to as the said establishment) has applied for exemption under sub-section (1) of Section 5 of the Payment of Gratuity Act, 1972 (39 of 1972) (herein after referred to as the said Act);

And whereas in the opinion of the Central Government, the gratuity benefit payable under the Bharatiya Nabhikiya Vidyt Nigam Limited (BHAVINI Ltd.) Employees' Gratuity Scheme, 2004 as applicable to the employees of the said establishment with respect to gratuity benefits are not less favourable to the said employees than those conferred under the said Act :

Now, therefore, in exercise of the powers conferred by Sub-section 1 of Section 5 of the said Act, the Central Government hereby exempts Bharatiya Nabhikiya Vidyt Nigam Limited (BHAVINI Ltd.) from the operation of the provisions of the said Act for a period of five years with effect from the date of publication of this notification, subject to the following conditions, namely :

- (i) If any dispute arises with regard to the implementation of the Bharatiya Nabhikiya Vidyt Nigam Limited (BHAVINI Ltd.) Employees' Gratuity Scheme, 2004, the Controlling Authority and Appellate Authority under the said Act shall have the power to intervene and determine it, in accordance with the provisions of the said Act; and
- (ii) No change in the Bharatiya Nabhikiya Vidyt Nigam Limited (BHAVINI Ltd.) Employees' Gratuity Scheme, 2004 shall be made without prior permission in writing of the Central Government.

[File No. S-42014/04/2004-SS-II]
SANJUKTA RAY, Under Secy.

श्रम मंत्रालय

आदेश

नई दिल्ली, 10 नवम्बर, 2005

का. आ. 4358.— जबकि भारतीय खाद्य निगम के नियोक्ताओं और उनके कामगारों के बीच प्रबंधन के साथ संबंध को लेकर औद्योगिक विवाद दिनांक 26-10-2004 के समसंख्यक पत्र के माध्यम से केन्द्रीय सरकार औद्योगिक न्यायाधिकरण-सह-श्रम न्यायालय संख्या-1, नई दिल्ली को सौंपा गया।

और जबकि संबंधित पक्षों ने सरकार के समक्ष मामले को राष्ट्रीय न्यायाधिकरण को सौंपने के संबंध में अपना अभ्यावेदन प्रस्तुत किया क्योंकि यह विषय विभिन्न राज्यों में स्थित भारतीय खाद्य निगम लि. के डिपुओं से संबंधित विवादों से जुड़ा है;

और जबकि माननीय उच्च न्यायालय, दिल्ली ने लिखित याचिका सं. 3792/2004 के माध्यम से सरकार को इस विवाद को राष्ट्रीय औद्योगिक न्यायाधिकरण को सौंपने तथा उनके विचारार्थ विषयों में संशोधन करने का निर्देश दिया है।

अतः अब केन्द्रीय सरकार ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7 ख द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा एक राष्ट्रीय औद्योगिक न्यायाधिकरण स्थापित किया जिसका मुख्यालय मुंबई में रखा गया और न्यायमूर्ति श्री घनश्याम दास, पीठासीन अधिकारी केन्द्रीय सरकार औद्योगिक न्यायाधिकरण सं. 1 मुंबई को इसका पीठासीन अधिकारी नियुक्त किया गया तथा उक्त अधिनियम की धारा-10 की उप-धारा (1क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त औद्योगिक विवाद तथा उनके विचारार्थ विषयों में संशोधन/पुनरीक्षण हेतु उपरोक्त राष्ट्रीय औद्योगिक न्यायाधिकरण को सौंपा गया। उपर्युक्त राष्ट्रीय न्यायाधिकरण अपना पंचाट/निर्णय छः महीने के भीतर प्रस्तुत करेगा।

सरकार के इस मंत्रालय के माध्यम से अपने दिनांक 26-10-2004 के समसंख्यक पत्र द्वारा केन्द्रीय सरकार औद्योगिक न्यायाधिकरण सं. 1, नई दिल्ली, वर्तमान विवादों के संदर्भ में औद्योगिक विवाद अधिनियम, 1947 की धारा-10 के उप-खंड 6 क के प्रावधानों को प्रयोग में लाएगी।

अनुसूची

“क्या भारतीय खाद्य निगम में खाद्यान्नों से संबंधित काम करने वाले कामगारों को साढ़े छः बजे से 8 बजे तक के अतिरिक्त कार्य के लिए समयोपरि मजदूरी की दरों को सामान्य दर की मजदूरी 1.25 गुने से कम करके 1.1 गुना किया जाना तथा संबंधित राज्यों द्वारा दुकान एवं प्रतिष्ठान अधिनियम के अनुसार 8 घंटे से अधिक समय तक के कार्यों के लिए 1.1 गुना मजदूरी देने, दोनों ही, 1-7-2002 के परिपत्र सूचना तथा दिनांक 19-1-2004 के परिपत्र संख्या 1 एवं 2 की कार्रवाई विधि सम्मत है? यदि नहीं, तो कामगार किस प्रकार की सुविधा के पात्र हैं?”

[सं. एल-22012/359/2003-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

MINISTRY OF LABOUR

ORDER

New Delhi, the 10th November, 2005

S. O. 4358.— Whereas an industrial dispute between employers in relation to management of FCI and their workmen was referred for adjudication to Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi vide order of even number dated 26-10-2004.

And whereas, the parties concerned made representations to the Government for referring the matter for adjudication to National Tribunal as the issue involved in the dispute pertains to depots of FCI located at various States.

And whereas, the Hon'ble High Court of Delhi in W. P. No. 3792/2004 has given a direction to the Government to refer the dispute to a National Industrial Tribunal and to modify the terms of reference.

Now, therefore, the Central Government, in exercise of the powers conferred by Section 7B of the I. D. Act, 1947 (14 of 1947), hereby constitutes a National Industrial Tribunal with the Head Quarters at Mumbai and appoints Justice Shri Ghanshyam Dass, presently Presiding Officer, CGIT No. 1, Mumbai as its Presiding Officer, and in exercise of the powers conferred by Sub-section (1A) of Section 10 of the Industrial Disputes Act, hereby refers the said Industrial Dispute to the said National Tribunal for adjudication with revised/modified terms of reference. The said National Tribunal shall give its award within a period of six months.

As regards the existing reference of the dispute made by the Government vide this Ministry's order of even number dated 26-10-2004 to Central Government Industrial Tribunal No. 1, New Delhi, the provisions of Sub-section 6(a) of Section 10 of the I. D. Act, 1947 will apply.

SCHEDULE

“Whether the action of the Food Corporation of India in reducing the rates of overtime wages of its food handling workers from 1.25 times to 1.1 times of the normal rates of wages for overtime work between 6½ and 8 hours and further from as per the Shops & Establishment Act of the respective states to 1.1 times for work beyond 8 hours, both by Circular Notice dated 1-7-2002 and Circular Nos. 1 & 2 both dated 19-1-2004 is legal and justified? If not, to what relief the workmen are entitled?”

[No. L-22012/359/2003-IR(C-II)]

N. P. KESAVAN, Desk Officer

आदेश

नई दिल्ली, 10 नवम्बर, 2005

का. आ. 4359.—जबकि केन्द्रीय सरकार का विचार है कि बजाज इलेक्ट्रिकल्स लिमिटेड के प्रबंधन एवं उनके कर्मकारों के बीच औद्योगिक विवाद विद्यमान है;

और जबकि माननीय उच्च न्यायालय अहमदाबाद, गुजरात ने प्रकीर्ण सिविल आदेश सं. 1711/2003 में प्रकीर्ण सिविल आवेदन सं. 1943/2003 में इस मामले को औद्योगिक विवाद अधिनियम, 1947 के प्रावधानों के अंतर्गत सुलझाने तथा आवश्यक निर्णय लेने का निर्देश दिया।

और जबकि बजाज इलेक्ट्रिकल्स लिमिटेड के कई राज्यों में स्थित प्रतिष्ठान इससे सम्बद्ध अथवा प्रभावित होने की संभावना है,

और जबकि केन्द्रीय सरकार का विचार है कि उपर्युक्त विवाद का न्याय-निर्णयन राष्ट्रीय न्यायाधिकरण द्वारा किया जाना चाहिए;

और जबकि केन्द्रीय सरकार ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7 ख द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्रम मंत्रालय के दिनांक 6-9-2004 के आदेश सं. एल-42012/144/2004-आई आर (सी-II) के द्वारा एक राष्ट्रीय औद्योगिक न्यायाधिकरण स्थापित किया जिसका मुख्यालय मुंबई में रखा गया और न्यायमूर्ति श्री एस. सी. पाण्डेय को इसका पीठासीन अधिकारी नियुक्त किया गया तथा उक्त अधिनियम की धारा-10 की उप-धारा (1 ए) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त औद्योगिक विवाद को न्याय-निर्णयन हेतु उपरोक्त राष्ट्रीय औद्योगिक न्यायाधिकरण को सौंपा गया।

और जबकि न्यायमूर्ति श्री एस. सी. पाण्डेय ने दिनांक 8-9-2004 को उपर्युक्त राष्ट्रीय औद्योगिक न्यायाधिकरण का पदभार छोड़ दिया।

अंतः अब एक राष्ट्रीय औद्योगिक न्यायाधिकरण की स्थापना की जाती है जिसका मुख्यालय मुंबई में होगा जिसके पीठासीन अधिकारी राष्ट्रीय औद्योगिक न्यायाधिकरण-I मुंबई में न्यायमूर्ति श्री घनश्याम दास होंगे तथा उपर्युक्त विवाद को न्याय-निर्णयन के लिए राष्ट्रीय औद्योगिक न्यायाधिकरण को इस निर्देश के साथ संदर्भित किया जाता है कि न्यायमूर्ति श्री घनश्याम दास इस मामले में उस स्तर से आगे कार्यवाई करेंगे जहां से न्यायमूर्ति श्री एस. सी. पाण्डेय ने इसे छोड़ा था तथा तदनुसार इस मामले को निपटाएंगे।

[सं. एल.-42012/144/2004-आई आर (सी II)
एन. पी. केशव

ORDER

New Delhi, the 10th November, 2005

S.O. 4359.—Whereas the Central Govt. is of the opinion that an industrial dispute exists between the

management of Bajaj Electricals Limited and their workmen;

And whereas the Hon'ble High Court of Gujarat at Ahmedabad in Misc. Civil Application No. 1943/2003 in Misc. Civil Application No. 1711/2003 gave a direction to consider the matter under the provisions of Industrial Disputes Act, 1947 and take appropriate decision.

And whereas the establishments of Bajaj Electricals Limited situated in more than one State are likely to be interested in, or affected.

And whereas the Central Government is of the opinion that the said dispute should be adjudicated by a National Tribunal;

And whereas the Central Government in exercise of the powers conferred by Section 7 B of the I.D. Act, 1947 (14 of 1947) constituted a National Industrial Tribunal vide Ministry of Labour Order No. L-42012/144/2004-IR (C-II) dated 6-9-2004 with headquarters at Mumbai and appointed Justice Shri S. C. Pandey as its Presiding Officer and in exercise of the powers conferred by Sub-Section (1A) of Section 10 of the said Act, referred the said Industrial Dispute to the said National Industrial Tribunal for adjudication.

And whereas Justice Shri S. C. Pandey relinquished charge of the above National Industrial Tribunal on 8-9-2004.

Now, therefore, a National Industrial Tribunal is constituted with Headquarters at Mumbai with Justice Shri Ghanshyam Dass, Presiding Officer of CGIT No. 1, Mumbai as its Presiding Officer and the above said dispute is referred to the above said National Industrial Tribunal for adjudication with a direction that Justice Shri Ghanshyam Dass shall proceed in the matter from the stage at which it was left by Justice Shri S. C. Pandey and dispose of the same accordingly.

[No. L-42012/144/2004-IR(C-II)]
N. P. KESAVAN, Desk Officer

आदेश

नई दिल्ली, 10 नवम्बर, 2005

का. आ. 4360.—जबकि केन्द्रीय सरकार का विचार है कि भारतीय खाद्य निगम के प्रबंधन एवं उनके कर्मकारों के बीच औद्योगिक विवाद विद्यमान है;

और जबकि विवाद में राष्ट्रीय महत्व का प्रश्न निहित है और इस प्रवृत्ति का है कि भारतीय खाद्य निगम जो कई राज्यों में स्थित प्रतिष्ठान है इससे सम्बद्ध अथवा प्रभावित होने की संभावना है।

और जबकि केन्द्रीय सरकार ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7 ख द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्रम मंत्रालय के दिनांक 8-7-2003 के आदेश

सं. एल-22012/28/2002-आई आर (सी-II) के द्वारा एक राष्ट्रीय औद्योगिक न्यायाधिकरण स्थापित किया जिसका मुख्यालय मुंबई में रखा गया और न्यायमूर्ति श्री एस. सी. पाण्डेय को इसका पीठासीन अधिकारी नियुक्त किया गया तथा उक्त अधिनियम की धारा-10 की उप-धारा (1 क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त औद्योगिक विवाद को न्याय-निर्णयन हेतु उपरोक्त राष्ट्रीय औद्योगिक न्यायाधिकरण को सौंपा गया।

और जबकि न्यायमूर्ति श्री एस. सी. पाण्डेय ने दिनांक 8-9-2004 को उपर्युक्त राष्ट्रीय औद्योगिक न्यायाधिकरण का पदभार छोड़ दिया।

अतः, अब एक राष्ट्रीय औद्योगिक न्यायाधिकरण की स्थापना की जाती है जिसका मुख्यालय मुंबई में होगा और जिसके पीठासीन अधिकारी श्री घनश्याम दास होंगे तथा उपर्युक्त विवाद को न्याय-निर्णयन के लिए राष्ट्रीय औद्योगिक न्यायाधिकरण को इस निर्देश के साथ संदर्भित किया जाता है कि न्यायमूर्ति श्री घनश्याम दास इस मामले में उस स्तर से आगे कार्रवाई करेंगे जहां से न्यायमूर्ति श्री एस. सी. पाण्डेय ने इसे छोड़ा था तथा तदनुसार इस मामले को निपटाएंगे।

[सं. एल.-22012/28/2002-आई आर (सी-II)]

एन. पी. केशवन, डैस्क अधिकारी

संलग्नक

कर्मकार प्रतिनिधियों की सूची

4. मोहम्मद हाशिम एवं अन्य, पुत्र अब्दुल करीम, एफ. सी. आई. फूड स्टोरेज डिपो, इमालिया, पोस्ट सहकारी नगर, जिला बुलंदशहर (उ. प्र.)
5. श्री राम शोभित एवं अन्य, सी. डब्ल्यू. सी. डिपो बामनहेडा, मुजफ्फरनगर, पोस्ट रामपुर, जिला-मुजफ्फरनगर
6. श्री दिनेश कुमार एवं अन्य, पुत्र-श्री प्रहलाद सिंह, भारतीय खाद्य निगम, फूड स्टोरेज डिपो, क्वारसी, पो. क्वारसी जिला-क्वारसी, जिला-अलीगढ़ (उ. प्र.)
7. श्री किशन लाल सरदार एवं अन्य, पुत्र स्व. हुलाशी राम, एफ. सी. आई. फूड स्टोरेज डिपो, सी. बी. गंज, बरेली, जिला श्याम गंज, जिला-बरेली (उ. प्र.)
8. श्री मुख लाल पाण्डेय एवं अन्य, पुत्र श्री बिकाऊ पाण्डेय, एफ. सी. आई. फूड स्टोरेज डिपो, कोशी कलां, पोस्ट कोशी कलां, जिला-मथुरा (उ. प्र.)
9. श्री फूलचंद यादव एवं अन्य पुत्र श्री कुंझन यादव, एफ. सी. आई. फूड स्टोरेज डिपो, फतेहपुर, पोस्ट-ढोकेली, जिला-फतेहपुर, (उ. प्र.)
10. श्री चौधरी सरकार एवं अन्य, फूड कार्पोरेशन आफ इंडिया, फूड स्टोरेज डिपो, रायबरेली, पो. मलिक मऊ, जिला-रायबरेली (उ.प्र.)

11. श्री इब्राहिम एवं अन्य, पुत्र स्व. इस्माइल, एफ. सी. आई. एफ. एस. डी., धमौरा, पोस्ट आफिस धमौरा, जिला-रामपुर (उ.प्र.)
12. श्री नागेन्द्र ठाकुर एवं अन्य, पुत्र स्व. श्री राम चरितर ठाकुर, एफ. सी. आई. में कार्यरत, एफ. एस. डी., गोसईगांव, पो. आ. गोसईगांव, जिला-कोकराझार असम (एन.ई. एफ. क्षेत्र)
13. श्री अब्दुल हक एवं अन्य, पुत्र श्री अली बक्श, सी. डब्ल्यू. सी. में कार्यरत बाजपुर रोड, एफ. सी. आई. पुरानी दीर्गा अनाज मंडी, काशीपुर जिला उधमसिंह नगर, (उत्तरांचल)
14. श्री मोहम्मद हनीफ एवं अन्य, पुत्र स्व. मंगता, सी. डब्ल्यू. सी. देहरादून डिपो, पोस्ट माजरा, जिला-देहरादून (उत्तरांचल)
15. श्री निरंजन पासवान एवं अन्य पुत्र श्री सिया पासवान, एफ. सी. आई., एफ. सी. डी., इटारसी, झुझरपुर रोड, पो. इटारसी जिला-होशंगाबाद (म. प्र.)
16. श्री बिस्मिल्लाह अंसारी एवं अन्य, पुत्र-सनुल्लाह अंसारी, भारतीय खाद्य निगम, फूड स्टोरेज डिपो, घनौर, तहसील-राजपुरा, जिला-पटियाला (पंजाब)
17. श्री सुरेन्द्र कुमार एवं अन्य, कार्यरत डी. पी. एस. वर्कर घेवरा एवं शक्ति नगर, एफ. एस. डी., दिल्ली क्षेत्र, जिला प्रबन्धक के अंतर्गत, भारतीय खाद्य निगम, शक्ति नगर, दिल्ली-110007
18. श्री अनाड़ी पासवान एवं अन्य पुत्र श्री सुबे पासवान, एफ. सी. आई., फूड स्टोरेज डिपो, परातूर मेरठ, पोस्ट परतपुर, जिला-मेरठ (उ. प्र.)
19. श्री कश्मीर सिंह एवं अन्य पुत्र श्री भान सिंह, कार्यरत पत्ती गोदाम ए. आर. डी. सी., अमृतसर, (पंजाब) ग्राम-असल, पत्ती तहसील के पास, पत्ती, पोस्ट आफिस टकरपुरा, जिला-अमृतसर (पंजाब)

ORDER

New Delhi, the 10th November, 2003

S.O. 4360.— Whereas the Central Govt. is of the opinion that an industrial dispute existed between the management of FCI and their workmen;

And whereas the Industrial dispute involves question of national importance and also is of such nature that establishments of Food Corporation of India located in more than one state are likely to be interested in or affected:

And whereas the Central Government in exercise of the powers conferred by Section 7 B of the I.D. Act, 1947 (14 of 1947) constituted a National Industrial Tribunal vide Ministry of Labour Order No. L-22012/28/2002-IR (C-II) dated 8-7-2003 with headquarters at Mumbai and appointed Justice Shri S. C. Pandey as its Presiding Officer and in exercise of the powers conferred by Sub-Section (1A) of Section 10 of the said Act, referred the said Industrial Dispute to the said National Industrial Tribunal for adjudication.

And whereas Justice Shri S. C. Pandey relinquished charge of the above National Industrial Tribunal on 8-9-2004.

Now, therefore, a National Industrial Tribunal is constituted with Headquarters at Mumbai with Justice Shri Ghanshyam Dass as its Presiding Officer and the above said dispute is referred to the above said National Industrial Tribunal for adjudication with a direction that Justice Shri Ghanshyam Dass shall proceed in the matter from the stage at which it was left by Justice Shri S. C. Pandey and dispose of the same accordingly.

[No. L-22012/28/2002-IR(C-II)]
N. P. KESAVAN, Desk Officer

ANNEXURE

LIST OF WORKMEN REPRESENTATIVES

4. Mohd. Hashim & others, S/o Abdul Karim, FCI, Food Storage Depot, Imalia, Post Sahkari Nagar, Distt. Bulandshahar (U.P.).
5. Sh. Ram Shobhit & others, CWC Depot Bamanheri, Muzaffar Nagar, Post Rampur, Distt. Muzaffarpur.
6. Sh. Dinesh Kumar & others, S/o Sh. Prahlad Singh, Food Corporation of India, Food Storage Depot, Quarsi, P.O. : Quarsi, Distt. Quarsi, Distt. Aligarh (U.P.).
7. Sh. Kishan Lal Sardar & others, S/o Late Hulashi Ram, FCI, Food Storage Depot, C.B. Ganj, Bareilly, Post Shyam Ganj, Distt. Bareilly, (U.P.).
8. Sh. Mukh Lal Pandey & others, S/o Sri Bikau Pandey, FCI, Food Storage Depot, Kosi Kalan, Post Kosi Kalan, Distt. Mathura, (U.P.).
9. Sh. Fulchand Yadav & others, S/o Sri Khunjhun Yadav, FCI, Food Storage Depot, Fatehpur, Post Dhokeji, Distt. Fatehpur, (U.P.).
10. Sh. Chaudhary Sarkar & others, Food Corporation of India, Food Storage Depot, Raibareilly, P.O. : Malick Mou, Distt. Raibareilly (U.P.).
11. Sh. Ibrahim & others, S/o Late Ismail, FCI, FSD, Dhamoura, Post Office, Dhamoura, Distt. Rampur (U.P.).
12. Sh. Nagendra Thakur & others, S/o Late Sri Ram Charitar Thakur, working at FCI, FSD, Gosaigaon, P.O. Gosaigaon, Distt. Kokrajhar, Assam (NEF Region).
13. Sh. Abdul Haque & others, S/o Late Ali Baksh, working at CWC Bajpur Road, FCI, Purani Dirga Anaj Mandi, Kashipur Distt. Udham Singh Nagar, Uttaranchal.
14. Mohd. Hanif & others, S/o Late Mangta, CWC Dehradun Depot, Post Majra, Distt. Dehradun Uttaranchal.
15. Sh. Niranjana Paswan & others, S/o Shri Siya Paswan, FCI, FSD, Itarsi, Jhujharpur Road, P.O. : Itarsi, Distt. Hoshangabad (M.P.).
16. Sh. Bismillah Ansari & others, S/o Sanullah Ansari, Food Corporation of India, Food Storage Depot, Ghannour, Tehsil Rajpura, Distt. Patiala (Punjab).
17. Sh. Surender Kumar & others, working at DPS Worker Ghevra & Shakti Nagar, FSD, Delhi Region under District Manager, Food Corporation of India, Shakti Nagar, Delhi-110007.
18. Sh. Anandi Paswan & others, S/o Subey Paswan, FCI, Food Storage Depot, Paratpur Meerut, Post Paratpur, Distt. Meerut (U.P.).
19. Sh. Kashmir Singh & others, S/o Sh. Bhan Singh, working at Patti Godown ARDC, Amritsar (Punjab), Village Asal, Near Patti Tehsil Patti, Post Office Takarpura, Distt. Amritsar (Punjab).

आदेश

नई दिल्ली, 10 नवम्बर, 2005

का. आ. 4361.— जबकि केन्द्रीय सरकार का विचार है कि भारतीय खाद्य निगम के प्रबंधन एवं उनके कर्मचारों के बीच औद्योगिक विवाद विद्यमान है;

और जबकि, माननीय दिल्ली उच्च न्यायालय ने लिखित याचिका सं. 2594/2002, 6170/2001, 6205/2001, 4530/2002, 3186/2002, 4267/2001, 4603/2002, 4602/2002, 1699/2001 और 1707/2001 को निपटाते हुए सर्वोच्च न्यायालय द्वारा लिखित याचिका संख्या 422/2000; में दी गई कानूनी व्यवस्था के अंतर्गत कामगारों को राष्ट्रीय औद्योगिक न्यायाधिकरण में मामले ले जाने की अनुमति प्रदान की;

और जबकि केन्द्रीय सरकार ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7 ख द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्रम मंत्रालय के दिनांक 19-4-2004 के आदेश सं. एल-22012/325/2003-आई आर (सी-II) के द्वारा एक राष्ट्रीय औद्योगिक न्यायाधिकरण स्थापित किया जिसका मुख्यालय मुंबई में रखा गया और न्यायमूर्ति श्री एस. सी. पाण्डेय को इसका पीठासीन अधिकारी नियुक्त किया गया तथा उक्त अधिनियम की धारा-10 की उप-धारा (1 ए) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त औद्योगिक विवाद को न्याय-निर्णयन हेतु उपरोक्त राष्ट्रीय औद्योगिक न्यायाधिकरण को सौंपा गया।

और जबकि न्यायमूर्ति श्री एस. सी. पाण्डेय ने दिनांक 8-9-2004 को उपर्युक्त राष्ट्रीय औद्योगिक न्यायाधिकरण का पदभार छोड़ दिया।

अतः अब एक राष्ट्रीय औद्योगिक न्यायाधिकरण की स्थापना की जाती है जिसका मुख्यालय मुंबई में होगा और जिसके पीठासीन अधिकारी श्री घनश्याम दास होंगे तथा उपर्युक्त विवाद को न्याय-निर्णयन के लिए राष्ट्रीय औद्योगिक न्यायाधिकरण को इस निर्देश के साथ संदर्भित किया

जाता है कि न्यायमूर्ति श्री घनश्याम दास इस मामले में कानून के अनुसार उस स्तर से आगे कार्रवाई करेंगे जहां से न्यायमूर्ति श्री एस. सी. पाण्डेय ने इसे छोड़ा था तथा तदनुसार इस मामले को निपटाएंगे।

[सं. एल.-22012/325/2003-आई आर (सी-II)]

एन. पी. केशवन, डैस्क अधिकारी

ORDER

New Delhi, the 10th November, 2005

S.O. 4361.— Whereas the Central Govt. is of the opinion that an industrial dispute existed between the management of FCI and their workmen;

And whereas the Hon'ble High Court of Delhi in W.P. Nos. 2594/2002, 6170/2001, 6205/2001, 4530/2002, 3186/2002, 4267/2001, 4603/2002, 4602/2002, 1699/2001 and 1707/2001 disposed of the petitions granting liberty to the petitioners/workmen to approach National Industrial Tribunal for adjudication in terms of law laid down by the Supreme Court in the W.P. No. 422/2000;

And whereas the Central Government in exercise of the powers conferred by Section 7 B of the I.D. Act, 1947 (14 of 1947) constituted a National Industrial Tribunal vide Ministry of Labour Order No. L-22012/325/2003-IR (C-II) dated 19-4-2004 with Headquarters at Mumbai and appointed Justice Shri S. C. Pandey as its Presiding Officer and in exercise of the powers conferred by sub-section (1A) of Section 10 of the said Act, referred the said Industrial Dispute to the said National Industrial Tribunal for adjudication.

And whereas Justice Shri S. C. Pandey relinquished charge of the above National Industrial Tribunal on 8-9-2004.

Now, therefore, a National Industrial Tribunal is constituted with Headquarters at Mumbai with Justice Shri Ghanshyam Dass as its Presiding Officer and the above said dispute is referred to the above said National Industrial Tribunal for adjudication with a direction that Justice Shri Ghanshyam Dass shall proceed in the matter from the stage at which it was left by Justice Shri S. C. Pandey and dispose of the same accordingly.

[No. L-22012/325/2003-IR(C-II)]

N. P. KESAVAN, Desk Officer

नई दिल्ली, 11 नवम्बर, 2005

का.आ. 4362.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 1966 दिनांक 17-5-2005 द्वारा किसी भी तेल क्षेत्र जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 17 में शामिल है को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 19-5-2005 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 19-11-2005 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. संख्या एस.-11017/10/97-आई आर. (पी एल)]

जे. पी. पति, संयुक्त सचिव

New Delhi, the 11th November, 2005

S.O. 4362.— Whereas the Central Government having been satisfied that the public interest so requires that in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 1966 dated 17-5-2005 the service in the any Oil Field which is covered by item 17 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 19th May, 2005.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a period of six months from the 19th November, 2005.

[F. No. S-11017/10/97-IR(PL)]

J. P. PATI, Jt. Secy.